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copy of the indicated document as
referred or transmitted to committee.

Chief Clerk of the House

FILED FEB 27 2007

By: Guillen

H.B. No. 2072

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of temporary directors and the
confirmation election of the Starr County Groundwater Conservation
District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 8803, Special District
Local Laws Code, is amended by adding Section 8803.004 to read as
follows:

Sec. 8803.004. CONFIRMATION ELECTION REQUIRED. If the
creation of the district is not confirmed at a confirmation
election held before September 1, 2009:

(1) the district is dissolved on September 1, 2009,
except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of
debts shall be transferred to Starr County; and

(C) the organization of the district shall be
maintained until all debts are paid and remaining assets are
transferred; and

(2) this chapter expires September 1, 2012.

SECTION 2. Chapter 8803, Special District Local Laws Code,
is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8803.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)

1 Not later than the 45th day after the effective date of this
2 subchapter, five temporary directors shall be appointed as follows:

3 (1) the Starr County Commissioners Court shall appoint
4 four temporary directors, with one of the temporary directors
5 appointed from each of the four commissioners precincts in the
6 county to represent the precinct in which the temporary director
7 resides; and

8 (2) the county judge of Starr County shall appoint one
9 temporary director who resides in the district to represent the
10 district at large.

11 (b) If there is a vacancy on the temporary board of
12 directors of the district, the remaining temporary directors shall
13 appoint a person to fill the vacancy in a manner that meets the
14 representational requirements of this section.

15 (c) Temporary directors serve until the earlier of:

16 (1) the time the temporary directors become initial
17 directors as provided by Section 8803.024; or

18 (2) the date this chapter expires under Section
19 8803.004.

20 Sec. 8803.022. ORGANIZATIONAL MEETING OF TEMPORARY
21 DIRECTORS. As soon as practicable after all the temporary
22 directors have qualified under Section 36.055, Water Code, a
23 majority of the temporary directors shall convene the
24 organizational meeting of the district at a location within the
25 district agreeable to a majority of the directors. If an agreement
26 on location cannot be reached, the organizational meeting shall be
27 at the Starr County Courthouse.

1 Sec. 8803.023. CONFIRMATION ELECTION. (a) The temporary
2 directors shall hold an election to confirm the creation of the
3 district.

4 (b) Section 41.001(a), Election Code, does not apply to a
5 confirmation election held as provided by this section.

6 (c) Except as provided by this section, a confirmation
7 election must be conducted as provided by Sections 36.017(b)-(i),
8 Water Code, and the Election Code. The provision of Section
9 36.017(d), Water Code, relating to the election of permanent
10 directors does not apply to a confirmation election under this
11 section.

12 (d) Starr County may pay for any portion of the costs
13 incident to the district's confirmation election.

14 Sec. 8803.024. INITIAL DIRECTORS. (a) If creation of the
15 district is confirmed at an election held under Section 8803.023,
16 the temporary directors of the district become the initial
17 directors of the district and serve on the board of directors until
18 permanent directors are elected under Section 8803.025.

19 (b) The initial directors for county precincts 2 and 3 serve
20 a term expiring June 1 following the first regularly scheduled
21 election of directors under Section 8803.025, and the initial
22 directors for county precincts 1 and 4 serve a term expiring June 1
23 following the second regularly scheduled election of directors.
24 The at-large director shall serve a term expiring June 1 following
25 the second regularly scheduled election of directors.

26 Sec. 8803.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
27 the uniform election date prescribed by Section 41.001, Election

1 Code, in May of the first even-numbered year after the year in which
2 the district is authorized to be created at a confirmation
3 election, an election shall be held in the district for the election
4 of two directors to replace the initial directors who, under
5 Section 8803.024(b), serve a term expiring June 1 following that
6 election.

7 Sec. 8803.026. EXPIRATION OF SUBCHAPTER. This subchapter
8 expires September 1, 2012.

9 SECTION 3. Sections 5, 6, 7, 8, 9, and 11, Chapter 451, Acts
10 of the 79th Legislature, Regular Session, 2005, are repealed.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2007.

HOUSE COMMITTEE REPORT

07 APR 15 PM 10:50

HOUSE OF REPRESENTATIVES

1st Printing

By: Guillen

H.B. No. 2072

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 8803, Special District Local Laws Code, is amended by adding Section 8803.004 to read as follows:

Sec. 8803.004. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before September 1, 2009:

(1) the district is dissolved on September 1, 2009, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Starr County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2012.

SECTION 2. Chapter 8803, Special District Local Laws Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8803.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)

1 Not later than the 45th day after the effective date of this
2 subchapter, five temporary directors shall be appointed as follows:

3 (1) the Starr County Commissioners Court shall appoint
4 four temporary directors, with one of the temporary directors
5 appointed from each of the four commissioners precincts in the
6 county to represent the precinct in which the temporary director
7 resides; and

8 (2) the county judge of Starr County shall appoint one
9 temporary director who resides in the district to represent the
10 district at large.

11 (b) If there is a vacancy on the temporary board of
12 directors of the district, the remaining temporary directors shall
13 appoint a person to fill the vacancy in a manner that meets the
14 representational requirements of this section.

15 (c) Temporary directors serve until the earlier of:

16 (1) the time the temporary directors become initial
17 directors as provided by Section 8803.024; or

18 (2) the date this chapter expires under Section
19 8803.004.

20 Sec. 8803.022. ORGANIZATIONAL MEETING OF TEMPORARY
21 DIRECTORS. As soon as practicable after all the temporary
22 directors have qualified under Section 36.055, Water Code, a
23 majority of the temporary directors shall convene the
24 organizational meeting of the district at a location within the
25 district agreeable to a majority of the directors. If an agreement
26 on location cannot be reached, the organizational meeting shall be
27 at the Starr County Courthouse.

1 Sec. 8803.023. CONFIRMATION ELECTION. (a) The temporary
2 directors shall hold an election to confirm the creation of the
3 district.

4 (b) Section 41.001(a), Election Code, does not apply to a
5 confirmation election held as provided by this section.

6 (c) Except as provided by this section, a confirmation
7 election must be conducted as provided by Sections 36.017(b)-(i),
8 Water Code, and the Election Code. The provision of Section
9 36.017(d), Water Code, relating to the election of permanent
10 directors does not apply to a confirmation election under this
11 section.

12 (d) Starr County may pay for any portion of the costs
13 incident to the district's confirmation election.

14 Sec. 8803.024. INITIAL DIRECTORS. (a) If creation of the
15 district is confirmed at an election held under Section 8803.023,
16 the temporary directors of the district become the initial
17 directors of the district and serve on the board of directors until
18 permanent directors are elected under Section 8803.025.

19 (b) The initial directors for county precincts 2 and 3 serve
20 a term expiring June 1 following the first regularly scheduled
21 election of directors under Section 8803.025, and the initial
22 directors for county precincts 1 and 4 serve a term expiring June 1
23 following the second regularly scheduled election of directors.
24 The at-large director shall serve a term expiring June 1 following
25 the second regularly scheduled election of directors.

26 Sec. 8803.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
27 the uniform election date prescribed by Section 41.001, Election

1 Code, in May of the first even-numbered year after the year in which
2 the district is authorized to be created at a confirmation
3 election, an election shall be held in the district for the election
4 of two directors to replace the initial directors who, under
5 Section 8803.024(b), serve a term expiring June 1 following that
6 election.

7 Sec. 8803.026. EXPIRATION OF SUBCHAPTER. This subchapter
8 expires September 1, 2012.

9 SECTION 3. Sections 5, 6, 7, 8, 9, and 11, Chapter 451, Acts
10 of the 79th Legislature, Regular Session, 2005, are repealed.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2007.

COMMITTEE REPORT

The Honorable Tom Craddick
Speaker of the House of Representatives

3/28/07
(date)

Sir:

We, your COMMITTEE ON NATURAL RESOURCES

to whom was referred HB 2072 have had the same under consideration and beg to report back with the recommendation that it

- (X) do pass, without amendment.
- () do pass, with amendment(s).
- () do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
- (X) yes () no A fiscal note was requested.
- () yes (X) no A criminal justice policy impact statement was requested.
- () yes (X) no An equalized educational funding impact statement was requested.
- () yes (X) no An actuarial analysis was requested.
- () yes (X) no A water development policy impact statement was requested.
- () yes (X) no A tax equity note was requested.
- (X) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor

Joint Sponsors:

Co-Sponsors:

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Puente, Chair	X			
Hamilton, Vice-chair	X			
Gattis, CBO				X
Creighton	X			
Gallego	X			
Guillen	X			
Hilderbran	X			
Laubenberg	X			
O'Day	X			

Total 8 aye
0 nay
0 present, not voting
1 absent

CHAIR

BILL ANALYSIS

H.B. 2072
By: Guillen
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Starr County Groundwater Conservation District was legislatively created by the 79th Legislature, but lacks certain provisions relating to a confirmation election and the appointment of temporary directors.

H.B. 2072 requires temporary directors to be appointed for the Starr County Groundwater Conservation District. The bill charges these directors with holding an election to confirm the creation of the district. The bill also authorizes Starr County to pay the expenses of the district's confirmation election.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1: Amends Chapter 8803, Special District Local Laws Code, by adding Section 8803.004 to require a confirmation election to take place before September 1, 2009; stipulates the actions that will follow if the election is not held and the district is, therefore, dissolved on September 1, 2009; and provides an expiration date for the chapter of September 1, 2012.

SECTION 2: Amends Chapter 8803, Special District Local Laws Code, by adding Subchapter A-1 as follows:

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8803.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a) Provides that not later than the 45th day after the effective date of this subchapter, five temporary directors shall be appointed as follows: (1) the Starr County Commissioners Court shall appoint four temporary directors, with one of the temporary directors appointed from each of the four commissioners precincts in the county to represent the precinct in which the temporary director resides; and (2) the county judge of Starr County shall appoint one temporary director who resides in the district to represent the district at large.

(b) If there is a vacancy on the temporary board of directors of the district, requires the remaining temporary directors to appoint a person to fill the vacancy in a manner that meets the representational requirements of this section.

(c) Temporary directors serve until the earlier of: (1) the time the temporary directors become initial directors as provided by Section 8803.024; or (2) the date this chapter expires under Section 8803.004.

Sec. 8803.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. Requires a majority of the temporary directors, as soon as practicable after all the temporary directors have qualified under Section 36.055, Water Code, to convene the organizational meeting at a location within the district agreeable to a majority of the directors. Requires that if an agreement on location cannot be reached, the organizational meeting shall be at the Starr County Courthouse.

Sec. 8803.023. CONFIRMATION ELECTION. (a) Requires the temporary directors to hold an election to confirm the creation of the district.

H.B. 2072 80(R)

(b) Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section.

(c) Except as provided by this section, a confirmation election must be conducted as provided by Sections 36.017(b)-(i), Water Code, and the Election Code. The provision of Section 36.017(d), Water Code, relating to the election of permanent directors does not apply to a confirmation election under this section.

(d) Starr County may pay for any portion of the costs incident to the district's confirmation election.

Sec. 8803.024. INITIAL DIRECTORS. (a) If creation of the district is confirmed at an election held under Section 8803.023, the temporary directors of the district become the initial directors of the district and serve on the board of directors until permanent directors are elected under Section 8803.025.

(b) The initial directors for county precincts 2 and 3 serve a term expiring June 1 following the first regularly scheduled election of directors under Section 8803.025, and the initial directors for county precincts 1 and 4 serve a term expiring June 1 following the second regularly scheduled election of directors. The at-large director shall serve a term expiring June 1 following the second regularly scheduled election of directors.

Sec. 8803.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On the uniform election date prescribed by Section 41.001, Election Code, in May of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of two directors to replace the initial directors who, under Section 8803.024(b), serve a term expiring June 1 following that election.

Sec. 8803.026. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2012.

SECTION 3: Repeals Sections 5, 6, 7, 8, 9, and 11, Chapter 451, Acts of the 79th Legislature, Regular Session, 2005.

SECTION 4: Effective date: upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

SUMMARY OF COMMITTEE ACTION

HB 2072

March 21, 2007 2:00 PM or upon final adjourn./recess

Considered in public hearing

Left pending in committee

March 28, 2007 2:00 PM or upon final adjourn./recess

Considered in public hearing

Recommended to be sent to Local & Consent

Reported favorably without amendment(s)

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 19, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2072 by Guillen (Relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 2072

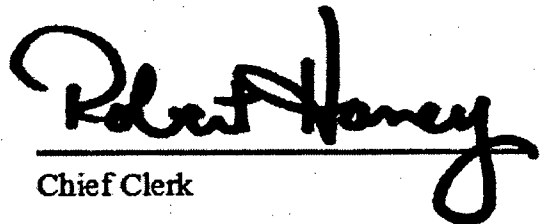
Bill Number

TO: The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

02/28/2007

Date transmitted to
Governor's Office

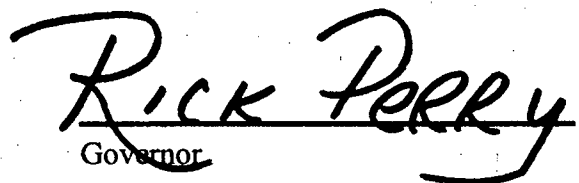

Chief Clerk
House of Representatives

TO: Texas Commission on Environmental Quality
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to a conservation and reclamation district and a copy of the notice of intention to introduce the bill.

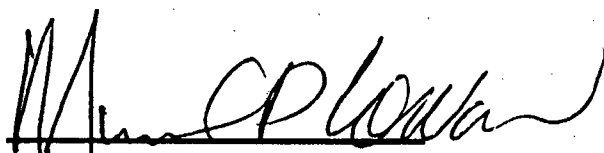
MAR 07 2007

Date transmitted to
Texas Commission on Environmental Quality


Governor

TO: The Honorable Speaker of the House
The Honorable President of the Senate
The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are the recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.


Texas Commission on Environmental Quality

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

The Honorable Tom Craddick
Texas House of Representatives
Capitol Station
PO Box 2910
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

HB 2072, as Filed by Representative Ryan Guillen - Relating to the Directors and Confirmation Election of the Starr County Groundwater Conservation District

Dear Speaker Craddick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

HB 2072 amends Chapter 8803, Special District Local Laws Code by adding new provisions for the Starr County Groundwater Conservation District (District). The bill adds new temporary provisions to provide for the appointment of temporary directors, require an organizational meeting of the temporary directors, and require the temporary directors schedule and hold an election to confirm creation of the District. The bill authorizes Starr County to pay for any portion of the costs incident to the District's confirmation election. Temporary provisions are also added for the temporary directors to become the initial directors if the District is confirmed by the voters, for the terms of office for the initial directors, and for the election of permanent directors. The bill provides for the temporary provisions to expire September 1, 2012. The bill provides that the District would be dissolved on September 1, 2009 if it has not been confirmed by voter election, requires the organization of the District be maintained until all debts are paid and any remaining assets are transferred to Starr County, and provides for Chapter 8803 to expire on September 1, 2012 if the District has not been confirmed by the voters. HB 2072 repeals provisions of Chapter 451, Acts of the 79th Legislature, Regular Session, 2005, that are similar to the added provisions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Cowan".

Michael D. Cowan, Director
Water Supply Division

cc: The Honorable Robert Puente, Chairman, House Natural Resources Committee
The Honorable Ryan Guillen, Texas House of Representatives

Enclosure

6

HOUSE ENGROSSMENT

By: Guillen

H.B. No. 2072

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 8803, Special District Local Laws Code, is amended by adding Section 8803.004 to read as follows:

Sec. 8803.004. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before September 1, 2009:

(1) the district is dissolved on September 1, 2009, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Starr County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2012.

SECTION 2. Chapter 8803, Special District Local Laws Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8803.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)

1 Not later than the 45th day after the effective date of this
2 subchapter, five temporary directors shall be appointed as follows:

3 (1) the Starr County Commissioners Court shall appoint
4 four temporary directors, with one of the temporary directors
5 appointed from each of the four commissioners precincts in the
6 county to represent the precinct in which the temporary director
7 resides; and

8 (2) the county judge of Starr County shall appoint one
9 temporary director who resides in the district to represent the
10 district at large.

11 (b) If there is a vacancy on the temporary board of
12 directors of the district, the remaining temporary directors shall
13 appoint a person to fill the vacancy in a manner that meets the
14 representational requirements of this section.

15 (c) Temporary directors serve until the earlier of:

16 (1) the time the temporary directors become initial
17 directors as provided by Section 8803.024; or

18 (2) the date this chapter expires under Section
19 8803.004.

20 Sec. 8803.022. ORGANIZATIONAL MEETING OF TEMPORARY
21 DIRECTORS. As soon as practicable after all the temporary
22 directors have qualified under Section 36.055, Water Code, a
23 majority of the temporary directors shall convene the
24 organizational meeting of the district at a location within the
25 district agreeable to a majority of the directors. If an agreement
26 on location cannot be reached, the organizational meeting shall be
27 at the Starr County Courthouse.

1 Sec. 8803.023. CONFIRMATION ELECTION. (a) The temporary
2 directors shall hold an election to confirm the creation of the
3 district.

4 (b) Section 41.001(a), Election Code, does not apply to a
5 confirmation election held as provided by this section.

6 (c) Except as provided by this section, a confirmation
7 election must be conducted as provided by Sections 36.017(b)-(i),
8 Water Code, and the Election Code. The provision of Section
9 36.017(d), Water Code, relating to the election of permanent
10 directors does not apply to a confirmation election under this
11 section.

12 (d) Starr County may pay for any portion of the costs
13 incident to the district's confirmation election.

14 Sec. 8803.024. INITIAL DIRECTORS. (a) If creation of the
15 district is confirmed at an election held under Section 8803.023,
16 the temporary directors of the district become the initial
17 directors of the district and serve on the board of directors until
18 permanent directors are elected under Section 8803.025.

19 (b) The initial directors for county precincts 2 and 3 serve
20 a term expiring June 1 following the first regularly scheduled
21 election of directors under Section 8803.025, and the initial
22 directors for county precincts 1 and 4 serve a term expiring June 1
23 following the second regularly scheduled election of directors.
24 The at-large director shall serve a term expiring June 1 following
25 the second regularly scheduled election of directors.

26 Sec. 8803.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
27 the uniform election date prescribed by Section 41.001, Election

1 Code, in May of the first even-numbered year after the year in which
2 the district is authorized to be created at a confirmation
3 election, an election shall be held in the district for the election
4 of two directors to replace the initial directors who, under
5 Section 8803.024(b), serve a term expiring June 1 following that
6 election.

7 Sec. 8803.026. EXPIRATION OF SUBCHAPTER. This subchapter
8 expires September 1, 2012.

9 SECTION 3. Sections 5, 6, 7, 8, 9, and 11, Chapter 451, Acts
10 of the 79th Legislature, Regular Session, 2005, are repealed.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2007.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 19, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB2072** by Guillen (Relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

1-1 By: Guillen (Senate Sponsor - Zaffirini) H.B. No. 2072
1-2 (In the Senate - Received from the House May 9, 2007;
1-3 May 10, 2007, read first time and referred to Committee on Natural
1-4 Resources; May 16, 2007, reported favorably by the following vote:
1-5 Yeas 10, Nays 0; May 16, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the appointment of temporary directors and the
1-9 confirmation election of the Starr County Groundwater Conservation
1-10 District.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter A, Chapter 8803, Special District
1-13 Local Laws Code, is amended by adding Section 8803.004 to read as
1-14 follows:

1-15 Sec. 8803.004. CONFIRMATION ELECTION REQUIRED. If the
1-16 creation of the district is not confirmed at a confirmation
1-17 election held before September 1, 2009:

1-18 (1) the district is dissolved on September 1, 2009,
1-19 except that:

1-20 (A) any debts incurred shall be paid;
1-21 (B) any assets that remain after the payment of
1-22 debts shall be transferred to Starr County; and

1-23 (C) the organization of the district shall be
1-24 maintained until all debts are paid and remaining assets are
1-25 transferred; and

1-26 (2) this chapter expires September 1, 2012.

1-27 SECTION 2. Chapter 8803, Special District Local Laws Code,
1-28 is amended by adding Subchapter A-1 to read as follows:

1-29 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-30 Sec. 8803.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)
1-31 Not later than the 45th day after the effective date of this
1-32 subchapter, five temporary directors shall be appointed as follows:

1-33 (1) the Starr County Commissioners Court shall appoint
1-34 four temporary directors, with one of the temporary directors
1-35 appointed from each of the four commissioners precincts in the
1-36 county to represent the precinct in which the temporary director
1-37 resides; and

1-38 (2) the county judge of Starr County shall appoint one
1-39 temporary director who resides in the district to represent the
1-40 district at large.

1-41 (b) If there is a vacancy on the temporary board of
1-42 directors of the district, the remaining temporary directors shall
1-43 appoint a person to fill the vacancy in a manner that meets the
1-44 representational requirements of this section.

1-45 (c) Temporary directors serve until the earlier of:

1-46 (1) the time the temporary directors become initial
1-47 directors as provided by Section 8803.024; or

1-48 (2) the date this chapter expires under Section
1-49 8803.004.

1-50 Sec. 8803.022. ORGANIZATIONAL MEETING OF TEMPORARY
1-51 DIRECTORS. As soon as practicable after all the temporary
1-52 directors have qualified under Section 36.055, Water Code, a
1-53 majority of the temporary directors shall convene the
1-54 organizational meeting of the district at a location within the
1-55 district agreeable to a majority of the directors. If an agreement
1-56 on location cannot be reached, the organizational meeting shall be
1-57 at the Starr County Courthouse.

1-58 Sec. 8803.023. CONFIRMATION ELECTION. (a) The temporary
1-59 directors shall hold an election to confirm the creation of the
1-60 district.

1-61 (b) Section 41.001(a), Election Code, does not apply to a
1-62 confirmation election held as provided by this section.

1-63 (c) Except as provided by this section, a confirmation
1-64 election must be conducted as provided by Sections 36.017(b)-(i),

2-1 Water Code, and the Election Code. The provision of Section
2-2 36.017(d), Water Code, relating to the election of permanent
2-3 directors does not apply to a confirmation election under this
2-4 section.

2-5 (d) Starr County may pay for any portion of the costs
2-6 incident to the district's confirmation election.

2-7 Sec. 8803.024. INITIAL DIRECTORS. (a) If creation of the
2-8 district is confirmed at an election held under Section 8803.023,
2-9 the temporary directors of the district become the initial
2-10 directors of the district and serve on the board of directors until
2-11 permanent directors are elected under Section 8803.025.

2-12 (b) The initial directors for county precincts 2 and 3 serve
2-13 a term expiring June 1 following the first regularly scheduled
2-14 election of directors under Section 8803.025, and the initial
2-15 directors for county precincts 1 and 4 serve a term expiring June 1
2-16 following the second regularly scheduled election of directors.
2-17 The at-large director shall serve a term expiring June 1 following
2-18 the second regularly scheduled election of directors.

2-19 Sec. 8803.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
2-20 the uniform election date prescribed by Section 41.001, Election
2-21 Code, in May of the first even-numbered year after the year in which
2-22 the district is authorized to be created at a confirmation
2-23 election, an election shall be held in the district for the election
2-24 of two directors to replace the initial directors who, under
2-25 Section 8803.024(b), serve a term expiring June 1 following that
2-26 election.

2-27 Sec. 8803.026. EXPIRATION OF SUBCHAPTER. This subchapter
2-28 expires September 1, 2012.

2-29 SECTION 3. Sections 5, 6, 7, 8, 9, and 11, Chapter 451, Acts
2-30 of the 79th Legislature, Regular Session, 2005, are repealed.

2-31 SECTION 4. This Act takes effect immediately if it receives
2-32 a vote of two-thirds of all the members elected to each house, as
2-33 provided by Section 39, Article III, Texas Constitution. If this
2-34 Act does not receive the vote necessary for immediate effect, this
2-35 Act takes effect September 1, 2007.

2-36 * * * * *

FAVORABLE
SENATE COMMITTEE REPORT ON

SB SCR SJR SR HB HCR HJR 2072
By Za Ahini
(Author/Senate Sponsor)
5-16-07
(date)

We, your Committee on NATURAL RESOURCES, to which was referred the attached measure,
have on 05/15/07, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

☒ do pass and be printed

☐ do pass and be ordered not printed

☒ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☒ yes ☐ no

A revised fiscal note was requested. ☐ yes ☒ no

Considered by subcommittee. ☐ yes ☒ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Averitt, Chair	<input checked="" type="checkbox"/>			
Senator Estes, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Brimer	<input checked="" type="checkbox"/>			
Senator Deuell	<input checked="" type="checkbox"/>			
Senator Duncan			<input checked="" type="checkbox"/>	
Senator Eltife	<input checked="" type="checkbox"/>			
Senator Hegar	<input checked="" type="checkbox"/>			
Senator Hinojosa	<input checked="" type="checkbox"/>			
Senator Jackson	<input checked="" type="checkbox"/>			
Senator Seliger	<input checked="" type="checkbox"/>			
Senator Uresti	<input checked="" type="checkbox"/>			
TOTAL VOTES	10	0	1	0

COMMITTEE ACTION

☒ S260 Considered in public hearing
☐ S270 Testimony taken

COMMITTEE CLERK

CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill
Retain one copy of this form for Committee files

BILL ANALYSIS

Senate Research Center
80R6276 JLL-F

H.B. 2072
By: Guillen (Zaffirini)
Natural Resources
5/14/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Starr County Groundwater Conservation District (district) lacks certain provisions relating to confirmation election and appointment of temporary directors.

H.B. 2072 requires the temporary directors of the district to be appointed and charges those directors with holding an election to confirm the creation of the district. This bill authorizes Starr County to pay the expenses of the district's confirmation election.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 8803, Special District Local Laws Code, by adding Section 8803.004, as follows:

Sec. 8803.004. CONFIRMATION ELECTION REQUIRED. Provides that, if the creation of the Starr County Groundwater Conservation District (district) is not confirmed at a confirmation election held before September 1, 2009, the district is dissolved on September 1, 2009, except that any debts incurred shall be paid, any assets that remain after the payment of debts shall be transferred to Starr County, and the organization of the district shall be maintained until all debts are paid and remaining assets are transferred. Provides that this chapter expires September 1, 2012.

SECTION 2. Amends Chapter 8803, Special District Local Laws Code, by adding Subchapter A-1, as follows:

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8803.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a) Requires five temporary directors to be appointed by a certain method not later than the 45th day after the effective date of this subchapter.

(b) Requires the remaining temporary directors to appoint a person to fill the vacancy in a manner that meets the representational requirements of this section if there is a vacancy on the temporary board of directors of the district.

(c) Provides that the temporary directors serve until the earlier of the time the temporary directors become initial directors as provided by Section 8803.024, or the date this chapter expires under Section 8803.004.

Sec. 8803.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. Requires a majority of the temporary directors, as soon as practicable after all the temporary directors have qualified under Section 36.055 (Sworn Statement, Bond, and Oath of Office), Water Code, to convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors. Requires the organizational meeting to be at the Starr County Courthouse if an agreement on location cannot be reached.

Sec. 8803.023. CONFIRMATION ELECTION. (a) Requires the temporary directors to hold an election to confirm the creation of the district.

(b) Provides that Section 41.001(a) (relating to uniform election dates of special or general elections), Election Code, does not apply to a confirmation election held as provided by this section.

(c) Requires a confirmation election to be conducted as provided by Sections 36.017(b)-(i) (relating to the election of temporary directors), Water Code, and the Election Code, except as provided by this section. Provides that the provision of Section 36.017(d) (relating to the format of the ballot), Water Code, relating to the election of permanent directors does not apply to a confirmation election under this section.

(d) Authorizes Starr County to pay for any portion of the costs incident to the district's confirmation election.

Sec. 8803.024. INITIAL DIRECTORS. (a) Provides that the temporary directors of the district become the initial directors of the district and serve on the board of directors until permanent directors are elected under Section 8803.025 if creation of the district is confirmed at an election held under Section 8803.023.

(b) Provides that the initial directors for county precincts 2 and 3 serve a term expiring June 1 following the first regularly scheduled election of directors under Section 8803.025, and the initial directors for county precincts 1 and 4 serve a term expiring June 1 following the second regularly scheduled election of directors. Requires the at-large director to serve a term expiring June 1 following the second regularly scheduled election of directors.

Sec. 8803.025. INITIAL ELECTION OF PERMANENT DIRECTORS. Requires an election to be held in the district for the election of two directors to replace the initial directors who, under Section 8803.024(b), serve a term expiring June 1 following that election on the uniform election date prescribed by Section 41.001, Election Code, in May of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election.

Sec. 8803.026. EXPIRATION OF SUBCHAPTER. Provides that this subchapter expires September 1, 2012.

SECTION 3. Repealer: Sections 5 (Appointment of Temporary Directors), 6 (Organizational Meeting of Temporary Directors), 7 (Confirmation election), 8 (Initial Directors), 9 (Election of Permanent Directors), and 11 (Contingent expiration Date; Debts), Chapter 451, Acts of the 79th Legislature, Regular Session, 2005.

SECTION 4. Effective date: upon passage or September 1, 2007.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 11, 2007

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2072 by Guillen (Relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 19, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2072 by Guillen (Relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

LETTER OF TRANSMITTAL
HOUSE OF REPRESENTATIVES
STATE OF TEXAS

HB 2072

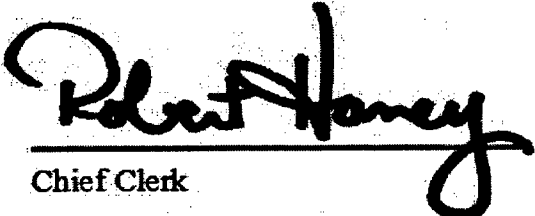
Bill Number

TO: The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

02/28/2007

Date transmitted to
Governor's Office



Chief Clerk
House of Representatives

TO: Texas Commission on Environmental Quality
SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to a conservation and reclamation district and a copy of the notice of intention to introduce the bill.

MAR 07 AM 10

Date transmitted to
Texas Commission on Environmental Quality


Governor

TO: The Honorable Speaker of the House
The Honorable President of the Senate
The Honorable Governor of Texas
SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are the recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.


Texas Commission on Environmental Quality

Kathleen Hartnett White, *Chairman*
Larry R. Soward, *Commissioner*
Glenn Shankle, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

The Honorable Tom Craddick
Texas House of Representatives
Capitol Station
PO Box 2910
Austin, Texas 78768-2910

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

HB 2072, as Filed by Representative Ryan Guillen - Relating to the Directors and Confirmation Election of the Starr County Groundwater Conservation District

Dear Speaker Craddick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

HB 2072 amends Chapter 8803, Special District Local Laws Code by adding new provisions for the Starr County Groundwater Conservation District (District). The bill adds new temporary provisions to provide for the appointment of temporary directors, require an organizational meeting of the temporary directors, and require the temporary directors schedule and hold an election to confirm creation of the District. The bill authorizes Starr County to pay for any portion of the costs incident to the District's confirmation election. Temporary provisions are also added for the temporary directors to become the initial directors if the District is confirmed by the voters, for the terms of office for the initial directors, and for the election of permanent directors. The bill provides for the temporary provisions to expire September 1, 2012. The bill provides that the District would be dissolved on September 1, 2009 if it has not been confirmed by voter election, requires the organization of the District be maintained until all debts are paid and any remaining assets are transferred to Starr County, and provides for Chapter 8803 to expire on September 1, 2012 if the District has not been confirmed by the voters. HB 2072 repeals provisions of Chapter 451, Acts of the 79th Legislature, Regular Session, 2005, that are similar to the added provisions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Cowan".

Michael D. Cowan, Director
Water Supply Division

cc: The Honorable Robert Puente, Chairman, House Natural Resources Committee
The Honorable Ryan Guillen, Texas House of Representatives

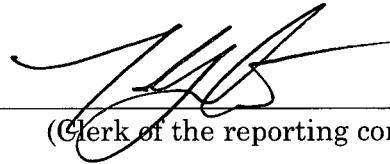
Enclosure

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR KIM BRIMER, CHAIRMAN
SENATE COMMITTEE ON ADMINISTRATION

Notice is hereby given that HB 2072, by Zuffin,
(Bill No.) (Author/Sponsor)
was heard by the Committee on Natural Resources on 05/15/07,
2007,

and reported out with the recommendation that it be placed on the Local and Uncontested Calendar.



(Clerk of the reporting committee)

**IMPORTANT: TWO COPIES OF THIS FORM MUST BE ATTACHED TO A COMMITTEE PRINTED
VERSION OF THE BILL OR RESOLUTION AND SHOULD BE DELIVERED TO THE ADMINISTRATION
COMMITTEE OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS AND RESOLUTIONS WILL BE
ANNOUNCED ON A REGULAR BASIS.**

ADOPTED

MAY 22 2007

FLOOR AMENDMENT NO. 1

Aditya S. Law
Secretary of the Senate

BY:

J. J. King

Amend H.B. No. 2072 (Senate Committee Printing) as follows:

(1) Between existing SECTIONS 2 and 3 of the bill (page 2 between lines 28 and 29), insert the following SECTION and renumber existing SECTION 3 as SECTION 4:

SECTION 3. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8805 to read as follows:

CHAPTER 8805. LA PALOMA GROUNDWATER

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8805.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means La Paloma Groundwater Conservation District.

Sec. 8805.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Brooks County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8805.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held on or before September 1, 2010:

(1) the district is dissolved on September 1, 2010, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Brooks County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are

1 transferred; and

2 (2) this chapter expires September 1, 2011.

3 Sec. 8805.004. INITIAL DISTRICT TERRITORY. (a) The
4 district is initially composed of the territory described by
5 Section 5 of the Act creating this chapter.

6 (b) The boundaries described in Section 5 of the Act
7 creating this chapter form a closure. A mistake made in describing
8 the district's boundaries in the legislative process does not
9 affect the district's:

10 (1) organization, existence, or validity;

11 (2) right to issue any type of bond for the purposes
12 for which the district is created or to pay the principal of and
13 interest on a bond;

14 (3) right to impose or collect an assessment or tax; or

15 (4) legality or operation.

16 Sec. 8805.005. CONSTRUCTION OF CHAPTER. This chapter shall
17 be liberally construed to achieve the legislative intent and
18 purposes of Chapter 36, Water Code. A power granted by Chapter 36,
19 Water Code, or this chapter shall be broadly interpreted to achieve
20 that intent and those purposes.

21 Sec. 8805.006. APPLICABILITY OF OTHER GROUNDWATER
22 CONSERVATION DISTRICT LAW. (a) Except as otherwise provided by
23 this chapter, Chapter 36, Water Code, applies to the district.

24 (b) Section 36.121, Water Code, does not apply to the
25 district.

26 [Sections 8805.007-8805.020 reserved for expansion]

27 SUBCHAPTER A-1. TEMPORARY PROVISIONS

28 Sec. 8805.021. TEMPORARY DIRECTORS. (a) The temporary
29 board of directors consists of:

30 (1) Lavoyger Durham, representing commissioners
31 precinct 1;

1 (2) Felix Saenz, Jr., representing commissioners
2 precinct 2;

3 (3) Mauro Garcia, representing commissioners precinct
4 3;

5 (4) Larry Boykin, representing commissioners precinct
6 4;

7 (5) David Grall, representing the district at large,
8 place 1; and

9 (6) Jose U. Perez, representing the district at large,
10 place 2.

11 (b) If there is a vacancy on the temporary board of
12 directors of the district, the remaining temporary directors shall
13 appoint a person to fill the vacancy in a manner that meets the
14 representational requirements of this section.

15 (c) Temporary directors serve until the earlier of:

16 (1) the time the temporary directors become initial
17 directors under Section 8805.024; or

18 (2) the date this chapter expires under Section
19 8805.003.

20 Sec. 8805.022. ORGANIZATIONAL MEETING OF TEMPORARY
21 DIRECTORS. As soon as practicable after all the temporary
22 directors have qualified under Section 36.055, Water Code, a
23 majority of the temporary directors shall convene the
24 organizational meeting of the district at a location within the
25 district agreeable to a majority of the temporary directors. If an
26 agreement on location cannot be reached, the organizational meeting
27 shall be at the Brooks County Courthouse.

28 Sec. 8805.023. CONFIRMATION ELECTION. (a) The temporary
29 directors shall hold an election to confirm the creation of the
30 district and the imposition of a maintenance tax.

31 (b) Section 41.001(a), Election Code, does not apply to an

1 election held as provided by this section.

2 (c) Except as provided by this section, an election under
3 this section must be conducted as provided by Sections 36.017(b),
4 (c), and (e)-(i), Water Code, and the Election Code.

5 (d) The ballot for the election must be printed to provide
6 for voting for or against the proposition: "The creation of La
7 Paloma Groundwater Conservation District and the levy of a
8 maintenance tax at a rate not to exceed 3 cents for each \$100 of
9 assessed valuation."

10 (e) If a majority of the votes cast at the election are not
11 in favor of the creation of the district, the temporary directors
12 may call a subsequent confirmation election.

13 (f) The district may not impose a maintenance tax unless the
14 tax is confirmed under this section.

15 Sec. 8805.024. INITIAL DIRECTORS. (a) If creation of the
16 district is confirmed at an election held under Section 8805.023,
17 the temporary directors of the district become the initial
18 directors of the district and serve on the board of directors until
19 permanent directors are elected under Section 8805.025.

20 (b) The initial directors for commissioner precincts 2 and 4
21 and the initial place 1 at-large director serve terms expiring June
22 1 following the first regularly scheduled election of directors
23 under Section 8805.025, and the initial directors for commissioners
24 precincts 1 and 3 and the initial place 2 at-large director serve
25 terms expiring June 1 following the second regularly scheduled
26 election of directors.

27 Sec. 8805.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
28 the uniform election date prescribed by Section 41.001, Election
29 Code, in May of the first even-numbered year after the year in which
30 the district is authorized to be created at a confirmation
31 election, an election shall be held in the district for the election

1 of three directors to replace the initial directors who, under
2 Section 8805.024(b), serve a term expiring June 1 following that
3 election.

4 Sec. 8805.026. EXPIRATION OF SUBCHAPTER. This subchapter
5 expires September 1, 2010.

6 [Sections 8805.027-8805.030 reserved for expansion]

7 SUBCHAPTER A-2. EXPANSION OF DISTRICT TERRITORY

8 Sec. 8805.031. EXPANSION OF DISTRICT TERRITORY REQUIRED.

9 (a) Not later than September 1, 2011, the boundaries of the district
10 shall be expanded to include at least 50 percent of the surface land
11 area of at least one county adjacent to Brooks County.

12 (b) The addition of territory under this section may be
13 accomplished by annexation in accordance with Chapter 36, Water
14 Code, or by legislative enactment.

15 Sec. 8805.032. COMMISSION VERIFICATION; DISSOLUTION OF
16 DISTRICT. (a) In this section, "commission" means the Texas
17 Commission on Environmental Quality or its successor agency.

18 (b) After September 1, 2011, the commission shall determine
19 whether the requirements of Section 8805.031(a) have been
20 satisfied. If the commission determines that the requirements of
21 that section have not been satisfied, the commission shall dissolve
22 the district and distribute any remaining assets in accordance with
23 the procedures provided by Sections 36.304-36.310, Water Code,
24 regardless of whether the district satisfies the requirements for
25 dissolution under Section 36.304(a) of that code.

26 Sec. 8805.033. EXPIRATION OF SUBCHAPTER. This subchapter
27 expires September 1, 2013.

28 [Sections 8805.034-8805.050 reserved for expansion]

29 SUBCHAPTER B. BOARD OF DIRECTORS.

30 Sec. 8805.051. DIRECTORS; TERMS. (a) The district is
31 governed by a board of six directors.

1 (b) Except as otherwise provided by this chapter, directors
2 serve staggered four-year terms, with three directors' terms
3 expiring June 1 of each even-numbered year.

4 (c) A director may serve consecutive terms.

5 Sec. 8805.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
6 PRECINCTS. (a) The directors of the district shall be elected
7 according to the commissioners precinct method as provided by this
8 section.

9 (b) Two directors shall be elected by the voters of the
10 entire district, and one director shall be elected from each county
11 commissioners precinct by the voters of that precinct.

12 (c) Except as provided by Subsection (e), to be eligible to
13 be a candidate for or to serve as a director at large, a person must
14 be a registered voter in the district. To be a candidate for or to
15 serve as director from a county commissioners precinct, a person
16 must be a registered voter of that precinct.

17 (d) A person shall indicate on the application for a place
18 on the ballot:

19 (1) the precinct that the person seeks to represent;
20 or

21 (2) the number of the at-large position that the
22 person seeks.

23 (e) When the boundaries of the county commissioners
24 precincts are redrawn after each federal decennial census to
25 reflect population changes, a director in office on the effective
26 date of the change, or a director elected or appointed before the
27 effective date of the change whose term of office begins on or after
28 the effective date of the change, shall serve in the precinct to
29 which elected or appointed even though the change in boundaries
30 places the person's residence outside the precinct for which the
31 person was elected or appointed.

1 Sec. 8805.053. ELECTION DATE. The district shall hold an
2 election to elect three directors on the uniform election date
3 prescribed by Section 41.001, Election Code, in May of each
4 even-numbered year.

5 Sec. 8805.054. DIVISION OF MUNICIPAL CORPORATION. The
6 provision of Section 36.059(b), Water Code, concerning the division
7 of a municipal corporation among precincts does not apply to the
8 district.

9 Sec. 8805.055. FEES OF OFFICE; REIMBURSEMENT. (a)
10 Notwithstanding Sections 36.060(a) and (d), Water Code, a director
11 may not receive fees of office for performing the duties of
12 director.

13 (b) A director is entitled to receive reimbursement of
14 actual expenses reasonably and necessarily incurred while engaging
15 in activities on behalf of the district in accordance with Sections
16 36.060(b) and (c), Water Code.

17 [Sections 8805.056-8805.100 reserved for expansion]

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 8805.101. GENERAL POWERS. Except as otherwise
20 provided by this chapter, the district has all of the rights,
21 powers, privileges, functions, and duties provided by the general
22 law of this state applicable to groundwater conservation districts
23 created under Section 59, Article XVI, Texas Constitution.

24 Sec. 8805.102. CONTRACTS. The district may enter into a
25 contract with any person for any purpose authorized by law.

26 Sec. 8805.103. EXEMPTIONS. (a) In this section:

27 (1) "Domestic use" means the use of groundwater by an
28 individual or a household to support domestic activities, including
29 the use of groundwater for drinking, washing, or culinary purposes;
30 for irrigating a lawn or a family garden or orchard; for watering
31 domestic animals; and for water recreation, including aquatic and

1 wildlife enjoyment. Domestic use does not include the use of water
2 to support an activity for which consideration is given or received
3 or for which the product of the activity is sold. Domestic use does
4 not include use by or for a public water system.

5 (2) "Livestock use" means the use of groundwater for
6 the open-range watering of livestock, exotic livestock, game
7 animals, or fur-bearing animals. For purposes of this definition,
8 the terms "livestock" and "exotic livestock" have the meanings
9 assigned by Sections 1.003 and 142.001, Agriculture Code,
10 respectively, and the terms "game animal" and "fur-bearing animal"
11 have the meanings assigned by Sections 63.001 and 71.001, Parks and
12 Wildlife Code, respectively. Livestock use does not include use by
13 or for a public water system.

14 (b) Section 36.117, Water Code, applies to the district.

15 (c) In addition to the exemptions provided by Section
16 36.117, Water Code, the district may not require a permit for or
17 otherwise regulate a well used solely to provide water for domestic
18 use or livestock use.

19 Sec. 8805.104. IMPACT OF TRANSFER. (a) If the district
20 finds that a transfer of groundwater out of the district negatively
21 impacts any of the considerations described by Section 36.122(f),
22 Water Code, the district may impose additional requirements or
23 limitations on the permit that are designed to minimize those
24 impacts.

25 (b) Sections 36.122(c), (i), and (j), Water Code, do not
26 apply to a requirement or limitation imposed under this section.

27 (c) The district may impose a fee or surcharge as an export
28 fee. The rate restrictions under Section 36.122(e), Water Code, do
29 not apply to a fee or surcharge imposed under this subsection.

30 [Sections 8805.105-8805.150 reserved for expansion]

31 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

1 Sec. 8805.151. REVENUE. To pay the maintenance and
2 operating costs of the district and to pay any bonds or notes issued
3 by the district, the district may:

4 (1) impose an ad valorem tax through the levy of the
5 maintenance tax authorized by Section 8805.023 at a rate not to
6 exceed 3 cents on each \$100 of assessed valuation of taxable
7 property; or

8 (2) solicit and accept grants from any private or
9 public source.

10 (2) Between SECTIONS 3 and 4 of the bill (page 2, between
11 lines 30 and 31) insert the following SECTIONS and renumber
12 existing SECTION 4 as SECTION 8:

13 SECTION 5. The initial boundaries of La Paloma Groundwater
14 Conservation District as created by this Act are coextensive with
15 the boundaries of Brooks County, Texas, and include all real
16 property in Brooks County save and except all of those portions of
17 Brooks County that, as of the effective date of this Act, are
18 located within the Kenedy County Groundwater Conservation
19 District.

20 SECTION 6. The initial board of directors of La Paloma
21 Groundwater Conservation District shall hold the first regularly
22 scheduled election of directors of La Paloma Groundwater
23 Conservation District under Section 8805.025, Special District
24 Local Laws Code, as added by this Act, on the uniform election date
25 in May in the first even-numbered year following the year in which
26 the district's creation is confirmed under Section 8805.023,
27 Special District Local Laws Code, as added by this Act.

28 SECTION 7. (a) The legal notice of the intention to
29 introduce the sections of this Act that create La Paloma
30 Groundwater Conservation District, setting forth the general
31 substance of those sections, has been published as provided by law,

1 and the notice and a copy of those sections have been furnished to
2 all persons, agencies, officials, or entities to which they are
3 required to be furnished under Section 59, Article XVI, Texas
4 Constitution, and Chapter 313, Government Code.

5 (b) The governor has submitted the notice and the sections
6 of this Act described by Subsection (a) of this section to the Texas
7 Commission on Environmental Quality.

8 (c) The Texas Commission on Environmental Quality has filed
9 its recommendations relating to the creation of La Paloma
10 Groundwater Conservation District by this Act with the governor,
11 lieutenant governor, and speaker of the house of representatives
12 within the required time.

13 (d) All requirements of the constitution and laws of this
14 state and the rules and procedures of the legislature with respect
15 to the notice, introduction, and passage of the sections of this Act
16 related to the creation of La Paloma Groundwater Conservation
17 District are fulfilled and accomplished.

SENATE AMENDMENTS

2nd Printing

07 MAY 24 AM 3:10
HOUSE OF REPRESENTATIVES

By: Guillen

H.B. No. 2072

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 8803, Special District Local Laws Code, is amended by adding Section 8803.004 to read as follows:

Sec. 8803.004. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before September 1, 2009:

(1) the district is dissolved on September 1, 2009, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Starr County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2012.

SECTION 2. Chapter 8803, Special District Local Laws Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8803.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)

1 Not later than the 45th day after the effective date of this
2 subchapter, five temporary directors shall be appointed as follows:

3 (1) the Starr County Commissioners Court shall appoint
4 four temporary directors, with one of the temporary directors
5 appointed from each of the four commissioners precincts in the
6 county to represent the precinct in which the temporary director
7 resides; and

8 (2) the county judge of Starr County shall appoint one
9 temporary director who resides in the district to represent the
10 district at large.

11 (b) If there is a vacancy on the temporary board of
12 directors of the district, the remaining temporary directors shall
13 appoint a person to fill the vacancy in a manner that meets the
14 representational requirements of this section.

15 (c) Temporary directors serve until the earlier of:

16 (1) the time the temporary directors become initial
17 directors as provided by Section 8803.024; or

18 (2) the date this chapter expires under Section
19 8803.004.

20 Sec. 8803.022. ORGANIZATIONAL MEETING OF TEMPORARY
21 DIRECTORS. As soon as practicable after all the temporary
22 directors have qualified under Section 36.055, Water Code, a
23 majority of the temporary directors shall convene the
24 organizational meeting of the district at a location within the
25 district agreeable to a majority of the directors. If an agreement
26 on location cannot be reached, the organizational meeting shall be
27 at the Starr County Courthouse.

1 Sec. 8803.023. CONFIRMATION ELECTION. (a) The temporary
2 directors shall hold an election to confirm the creation of the
3 district.

4 (b) Section 41.001(a), Election Code, does not apply to a
5 confirmation election held as provided by this section.

6 (c) Except as provided by this section, a confirmation
7 election must be conducted as provided by Sections 36.017(b)-(i),
8 Water Code, and the Election Code. The provision of Section
9 36.017(d), Water Code, relating to the election of permanent
10 directors does not apply to a confirmation election under this
11 section.

12 (d) Starr County may pay for any portion of the costs
13 incident to the district's confirmation election.

14 Sec. 8803.024. INITIAL DIRECTORS. (a) If creation of the
15 district is confirmed at an election held under Section 8803.023,
16 the temporary directors of the district become the initial
17 directors of the district and serve on the board of directors until
18 permanent directors are elected under Section 8803.025.

19 (b) The initial directors for county precincts 2 and 3 serve
20 a term expiring June 1 following the first regularly scheduled
21 election of directors under Section 8803.025, and the initial
22 directors for county precincts 1 and 4 serve a term expiring June 1
23 following the second regularly scheduled election of directors.
24 The at-large director shall serve a term expiring June 1 following
25 the second regularly scheduled election of directors.

26 Sec. 8803.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
27 the uniform election date prescribed by Section 41.001, Election

1 Code, in May of the first even-numbered year after the year in which
2 the district is authorized to be created at a confirmation
3 election, an election shall be held in the district for the election
4 of two directors to replace the initial directors who, under
5 Section 8803.024(b), serve a term expiring June 1 following that
6 election.

7 Sec. 8803.026. EXPIRATION OF SUBCHAPTER. This subchapter
8 expires September 1, 2012.

9 SECTION 3. Sections 5, 6, 7, 8, 9, and 11, Chapter 451, Acts
10 of the 79th Legislature, Regular Session, 2005, are repealed.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2007.

ADOPTED

MAY 22 2007

FLOOR AMENDMENT NO. 1

Secretary of the Senate

BY: 

Amend H.B. No. 2072 (Senate Committee Printing) as follows:

(1) Between existing SECTIONS 2 and 3 of the bill (page 2 between lines 28 and 29), insert the following SECTION and renumber existing SECTION 3 as SECTION 4:

SECTION 3. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8805 to read as follows:

CHAPTER 8805. LA PALOMA GROUNDWATER

CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8805.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means La Paloma Groundwater Conservation District.

Sec. 8805.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Brooks County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8805.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held on or before September 1, 2010:

(1) the district is dissolved on September 1, 2010, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Brooks County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are

1 transferred; and

2 (2) this chapter expires September 1, 2011.

3 Sec. 8805.004. INITIAL DISTRICT TERRITORY. (a) The
4 district is initially composed of the territory described by
5 Section 5 of the Act creating this chapter.

6 (b) The boundaries described in Section 5 of the Act
7 creating this chapter form a closure. A mistake made in describing
8 the district's boundaries in the legislative process does not
9 affect the district's:

10 (1) organization, existence, or validity;

11 (2) right to issue any type of bond for the purposes
12 for which the district is created or to pay the principal of and
13 interest on a bond;

14 (3) right to impose or collect an assessment or tax; or

15 (4) legality or operation.

16 Sec. 8805.005. CONSTRUCTION OF CHAPTER. This chapter shall
17 be liberally construed to achieve the legislative intent and
18 purposes of Chapter 36, Water Code. A power granted by Chapter 36,
19 Water Code, or this chapter shall be broadly interpreted to achieve
20 that intent and those purposes.

21 Sec. 8805.006. APPLICABILITY OF OTHER GROUNDWATER
22 CONSERVATION DISTRICT LAW. (a) Except as otherwise provided by
23 this chapter, Chapter 36, Water Code, applies to the district.

24 (b) Section 36.121, Water Code, does not apply to the
25 district.

26 [Sections 8805.007-8805.020 reserved for expansion]

27 SUBCHAPTER A-1. TEMPORARY PROVISIONS

28 Sec. 8805.021. TEMPORARY DIRECTORS. (a) The temporary
29 board of directors consists of:

30 (1) Lavoyger Durham, representing commissioners
31 precinct 1;

1 (2) Felix Saenz, Jr., representing commissioners
2 precinct 2;

3 (3) Mauro Garcia, representing commissioners precinct
4 3;

5 (4) Larry Boykin, representing commissioners precinct
6 4;

7 (5) David Grall, representing the district at large,
8 place 1; and

9 (6) Jose U. Perez, representing the district at large,
10 place 2.

11 (b) If there is a vacancy on the temporary board of
12 directors of the district, the remaining temporary directors shall
13 appoint a person to fill the vacancy in a manner that meets the
14 representational requirements of this section.

15 (c) Temporary directors serve until the earlier of:

16 (1) the time the temporary directors become initial
17 directors under Section 8805.024; or

18 (2) the date this chapter expires under Section
19 8805.003.

20 Sec. 8805.022. ORGANIZATIONAL MEETING OF TEMPORARY
21 DIRECTORS. As soon as practicable after all the temporary
22 directors have qualified under Section 36.055, Water Code, a
23 majority of the temporary directors shall convene the
24 organizational meeting of the district at a location within the
25 district agreeable to a majority of the temporary directors. If an
26 agreement on location cannot be reached, the organizational meeting
27 shall be at the Brooks County Courthouse.

28 Sec. 8805.023. CONFIRMATION ELECTION. (a) The temporary
29 directors shall hold an election to confirm the creation of the
30 district and the imposition of a maintenance tax.

31 (b) Section 41.001(a), Election Code, does not apply to an

1 election held as provided by this section.

2 (c) Except as provided by this section, an election under
3 this section must be conducted as provided by Sections 36.017(b),
4 (c), and (e)-(i), Water Code, and the Election Code.

5 (d) The ballot for the election must be printed to provide
6 for voting for or against the proposition: "The creation of La
7 Paloma Groundwater Conservation District and the levy of a
8 maintenance tax at a rate not to exceed 3 cents for each \$100 of
9 assessed valuation."

10 (e) If a majority of the votes cast at the election are not
11 in favor of the creation of the district, the temporary directors
12 may call a subsequent confirmation election.

13 (f) The district may not impose a maintenance tax unless the
14 tax is confirmed under this section.

15 Sec. 8805.024. INITIAL DIRECTORS. (a) If creation of the
16 district is confirmed at an election held under Section 8805.023,
17 the temporary directors of the district become the initial
18 directors of the district and serve on the board of directors until
19 permanent directors are elected under Section 8805.025.

20 (b) The initial directors for commissioner precincts 2 and 4
21 and the initial place 1 at-large director serve terms expiring June
22 1 following the first regularly scheduled election of directors
23 under Section 8805.025, and the initial directors for commissioners
24 precincts 1 and 3 and the initial place 2 at-large director serve
25 terms expiring June 1 following the second regularly scheduled
26 election of directors.

27 Sec. 8805.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
28 the uniform election date prescribed by Section 41.001, Election
29 Code, in May of the first even-numbered year after the year in which
30 the district is authorized to be created at a confirmation
31 election, an election shall be held in the district for the election

1 of three directors to replace the initial directors who, under
2 Section 8805.024(b), serve a term expiring June 1 following that
3 election.

4 Sec. 8805.026. EXPIRATION OF SUBCHAPTER. This subchapter
5 expires September 1, 2010.

6 [Sections 8805.027-8805.030 reserved for expansion]

7 SUBCHAPTER A-2. EXPANSION OF DISTRICT TERRITORY

8 Sec. 8805.031. EXPANSION OF DISTRICT TERRITORY REQUIRED.

9 (a) Not later than September 1, 2011, the boundaries of the district
10 shall be expanded to include at least 50 percent of the surface land
11 area of at least one county adjacent to Brooks County.

12 (b) The addition of territory under this section may be
13 accomplished by annexation in accordance with Chapter 36, Water
14 Code, or by legislative enactment.

15 Sec. 8805.032. COMMISSION VERIFICATION; DISSOLUTION OF
16 DISTRICT. (a) In this section, "commission" means the Texas
17 Commission on Environmental Quality or its successor agency.

18 (b) After September 1, 2011, the commission shall determine
19 whether the requirements of Section 8805.031(a) have been
20 satisfied. If the commission determines that the requirements of
21 that section have not been satisfied, the commission shall dissolve
22 the district and distribute any remaining assets in accordance with
23 the procedures provided by Sections 36.304-36.310, Water Code,
24 regardless of whether the district satisfies the requirements for
25 dissolution under Section 36.304(a) of that code.

26 Sec. 8805.033. EXPIRATION OF SUBCHAPTER. This subchapter
27 expires September 1, 2013.

28 [Sections 8805.034-8805.050 reserved for expansion]

29 SUBCHAPTER B. BOARD OF DIRECTORS

30 Sec. 8805.051. DIRECTORS; TERMS. (a) The district is
31 governed by a board of six directors.

1 (b) Except as otherwise provided by this chapter, directors
2 serve staggered four-year terms, with three directors' terms
3 expiring June 1 of each even-numbered year.

4 (c) A director may serve consecutive terms.

5 Sec. 8805.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS
6 PRECINCTS. (a) The directors of the district shall be elected
7 according to the commissioners precinct method as provided by this
8 section.

9 (b) Two directors shall be elected by the voters of the
10 entire district, and one director shall be elected from each county
11 commissioners precinct by the voters of that precinct.

12 (c) Except as provided by Subsection (e), to be eligible to
13 be a candidate for or to serve as a director at large, a person must
14 be a registered voter in the district. To be a candidate for or to
15 serve as director from a county commissioners precinct, a person
16 must be a registered voter of that precinct.

17 (d) A person shall indicate on the application for a place
18 on the ballot:

19 (1) the precinct that the person seeks to represent;

20 or

21 (2) the number of the at-large position that the
22 person seeks.

23 (e) When the boundaries of the county commissioners
24 precincts are redrawn after each federal decennial census to
25 reflect population changes, a director in office on the effective
26 date of the change, or a director elected or appointed before the
27 effective date of the change whose term of office begins on or after
28 the effective date of the change, shall serve in the precinct to
29 which elected or appointed even though the change in boundaries
30 places the person's residence outside the precinct for which the
31 person was elected or appointed.

1 Sec. 8805.053. ELECTION DATE. The district shall hold an
2 election to elect three directors on the uniform election date
3 prescribed by Section 41.001, Election Code, in May of each
4 even-numbered year.

5 Sec. 8805.054. DIVISION OF MUNICIPAL CORPORATION. The
6 provision of Section 36.059(b), Water Code, concerning the division
7 of a municipal corporation among precincts does not apply to the
8 district.

9 Sec. 8805.055. FEES OF OFFICE; REIMBURSEMENT. (a)
10 Notwithstanding Sections 36.060(a) and (d), Water Code, a director
11 may not receive fees of office for performing the duties of
12 director.

13 (b) A director is entitled to receive reimbursement of
14 actual expenses reasonably and necessarily incurred while engaging
15 in activities on behalf of the district in accordance with Sections
16 36.060(b) and (c), Water Code.

17 [Sections 8805.056-8805.100 reserved for expansion]

18 SUBCHAPTER C. POWERS AND DUTIES

19 Sec. 8805.101. GENERAL POWERS. Except as otherwise
20 provided by this chapter, the district has all of the rights,
21 powers, privileges, functions, and duties provided by the general
22 law of this state applicable to groundwater conservation districts
23 created under Section 59, Article XVI, Texas Constitution.

24 Sec. 8805.102. CONTRACTS. The district may enter into a
25 contract with any person for any purpose authorized by law.

26 Sec. 8805.103. EXEMPTIONS. (a) In this section:

27 (1) "Domestic use" means the use of groundwater by an
28 individual or a household to support domestic activities, including
29 the use of groundwater for drinking, washing, or culinary purposes;
30 for irrigating a lawn or a family garden or orchard; for watering
31 domestic animals; and for water recreation, including aquatic and

1 wildlife enjoyment. Domestic use does not include the use of water
2 to support an activity for which consideration is given or received
3 or for which the product of the activity is sold. Domestic use does
4 not include use by or for a public water system.

5 (2) "Livestock use" means the use of groundwater for
6 the open-range watering of livestock, exotic livestock, game
7 animals, or fur-bearing animals. For purposes of this definition,
8 the terms "livestock" and "exotic livestock" have the meanings
9 assigned by Sections 1.003 and 142.001, Agriculture Code,
10 respectively, and the terms "game animal" and "fur-bearing animal"
11 have the meanings assigned by Sections 63.001 and 71.001, Parks and
12 Wildlife Code, respectively. Livestock use does not include use by
13 or for a public water system.

14 (b) Section 36.117, Water Code, applies to the district.

15 (c) In addition to the exemptions provided by Section
16 36.117, Water Code, the district may not require a permit for or
17 otherwise regulate a well used solely to provide water for domestic
18 use or livestock use.

19 Sec. 8805.104. IMPACT OF TRANSFER. (a) If the district
20 finds that a transfer of groundwater out of the district negatively
21 impacts any of the considerations described by Section 36.122(f),
22 Water Code, the district may impose additional requirements or
23 limitations on the permit that are designed to minimize those
24 impacts.

25 (b) Sections 36.122(c), (i), and (j), Water Code, do not
26 apply to a requirement or limitation imposed under this section.

27 (c) The district may impose a fee or surcharge as an export
28 fee. The rate restrictions under Section 36.122(e), Water Code, do
29 not apply to a fee or surcharge imposed under this subsection.

30 [Sections 8805.105-8805.150 reserved for expansion]

31 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

1 Sec. 8805.151. REVENUE. To pay the maintenance and
2 operating costs of the district and to pay any bonds or notes issued
3 by the district, the district may:

4 (1) impose an ad valorem tax through the levy of the
5 maintenance tax authorized by Section 8805.023 at a rate not to
6 exceed 3 cents on each \$100 of assessed valuation of taxable
7 property; or

8 (2) solicit and accept grants from any private or
9 public source.

10 (2) Between SECTIONS 3 and 4 of the bill (page 2, between
11 lines 30 and 31) insert the following SECTIONS and renumber
12 existing SECTION 4 as SECTION 8:

13 SECTION 5. The initial boundaries of La Paloma Groundwater
14 Conservation District as created by this Act are coextensive with
15 the boundaries of Brooks County, Texas, and include all real
16 property in Brooks County save and except all of those portions of
17 Brooks County that, as of the effective date of this Act, are
18 located within the Kenedy County Groundwater Conservation
19 District.

20 SECTION 6. The initial board of directors of La Paloma
21 Groundwater Conservation District shall hold the first regularly
22 scheduled election of directors of La Paloma Groundwater
23 Conservation District under Section 8805.025, Special District
24 Local Laws Code, as added by this Act, on the uniform election date
25 in May in the first even-numbered year following the year in which
26 the district's creation is confirmed under Section 8805.023,
27 Special District Local Laws Code, as added by this Act.

28 SECTION 7. (a) The legal notice of the intention to
29 introduce the sections of this Act that create La Paloma
30 Groundwater Conservation District, setting forth the general
31 substance of those sections, has been published as provided by law,

1 and the notice and a copy of those sections have been furnished to
2 all persons, agencies, officials, or entities to which they are
3 required to be furnished under Section 59, Article XVI, Texas
4 Constitution, and Chapter 313, Government Code.

5 (b) The governor has submitted the notice and the sections
6 of this Act described by Subsection (a) of this section to the Texas
7 Commission on Environmental Quality.

8 (c) The Texas Commission on Environmental Quality has filed
9 its recommendations relating to the creation of La Paloma
10 Groundwater Conservation District by this Act with the governor,
11 lieutenant governor, and speaker of the house of representatives
12 within the required time.

13 (d) All requirements of the constitution and laws of this
14 state and the rules and procedures of the legislature with respect
15 to the notice, introduction, and passage of the sections of this Act
16 related to the creation of La Paloma Groundwater Conservation
17 District are fulfilled and accomplished.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 11, 2007

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2072 by Guillen (Relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 19, 2007

TO: Honorable Robert Puente, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2072 by Guillen (Relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, WK, DB

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

ADOPTED

MAY 28 2007

Robert H. Hargrett
Clerk
House of Representatives

May 26, 2007

Date

HOUSE OF REPRESENTATIVES

07 MAY 26 PM 10:53

Honorable David Dewhurst
President of the Senate

Honorable Tom Craddick
Speaker of the House of Representatives

By a RV of
142 0 a 2 PNV

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2072 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Zaffuini
Zaffuini

Averitt
Averitt

Briner
Briner

Hiney
Hiney

White
White

On the part of the Senate

Guillen
Guillen

Creighton
Creighton

Escobar
Escobar

Hancock
Hancock

Pero
Pero

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

H.B. No. 2072

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 8803, Special District Local Laws Code, is amended by adding Section 8803.004 to read as follows:

Sec. 8803.004. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before September 1, 2009:

(1) the district is dissolved on September 1, 2009, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Starr County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2012.

SECTION 2. Chapter 8803, Special District Local Laws Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8803.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)

1 Not later than the 45th day after the effective date of this
2 subchapter, five temporary directors shall be appointed as follows:

3 (1) the Starr County Commissioners Court shall appoint
4 four temporary directors, with one of the temporary directors
5 appointed from each of the four commissioners precincts in the
6 county to represent the precinct in which the temporary director
7 resides; and

8 (2) the county judge of Starr County shall appoint one
9 temporary director who resides in the district to represent the
10 district at large.

11 (b) If there is a vacancy on the temporary board of
12 directors of the district, the remaining temporary directors shall
13 appoint a person to fill the vacancy in a manner that meets the
14 representational requirements of this section.

15 (c) Temporary directors serve until the earlier of:

16 (1) the time the temporary directors become initial
17 directors as provided by Section 8803.024; or

18 (2) the date this chapter expires under Section
19 8803.004.

20 Sec. 8803.022. ORGANIZATIONAL MEETING OF TEMPORARY
21 DIRECTORS. As soon as practicable after all the temporary
22 directors have qualified under Section 36.055, Water Code, a
23 majority of the temporary directors shall convene the
24 organizational meeting of the district at a location within the
25 district agreeable to a majority of the directors. If an agreement
26 on location cannot be reached, the organizational meeting shall be
27 at the Starr County Courthouse.

1 Sec. 8803.023. CONFIRMATION ELECTION. (a) The temporary
2 directors shall hold an election to confirm the creation of the
3 district.

4 (b) Section 41.001(a), Election Code, does not apply to a
5 confirmation election held as provided by this section.

6 (c) Except as provided by this section, a confirmation
7 election must be conducted as provided by Sections 36.017(b)-(i),
8 Water Code, and the Election Code. The provision of Section
9 36.017(d), Water Code, relating to the election of permanent
10 directors does not apply to a confirmation election under this
11 section.

12 (d) Starr County may pay for any portion of the costs
13 incident to the district's confirmation election.

14 Sec. 8803.024. INITIAL DIRECTORS. (a) If creation of the
15 district is confirmed at an election held under Section 8803.023,
16 the temporary directors of the district become the initial
17 directors of the district and serve on the board of directors until
18 permanent directors are elected under Section 8803.025.

19 (b) The initial directors for county precincts 2 and 3 serve
20 a term expiring June 1 following the first regularly scheduled
21 election of directors under Section 8803.025, and the initial
22 directors for county precincts 1 and 4 serve a term expiring June 1
23 following the second regularly scheduled election of directors.
24 The at-large director shall serve a term expiring June 1 following
25 the second regularly scheduled election of directors.

26 Sec. 8803.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
27 the uniform election date prescribed by Section 41.001, Election

1 Code, in May of the first even-numbered year after the year in which
2 the district is authorized to be created at a confirmation
3 election, an election shall be held in the district for the election
4 of two directors to replace the initial directors who, under
5 Section 8803.024(b), serve a term expiring June 1 following that
6 election.

7 Sec. 8803.026. EXPIRATION OF SUBCHAPTER. This subchapter
8 expires September 1, 2012.

9 SECTION 3. Sections 5, 6, 7, 8, 9, and 11, Chapter 451, Acts
10 of the 79th Legislature, Regular Session, 2005, are repealed.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2007.

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

SECTION 1. Subchapter A, Chapter 8803, Special District Local Laws Code, is amended by adding Section 8803.004.

Same as House version.

SECTION 2. Chapter 8803, Special District Local Laws Code, is amended by adding Subchapter A-1.

Same as House version.

No equivalent provision.

SECTION __. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8805 to read as follows:

Same as House version.

CHAPTER 8805. LA PALOMA GROUNDWATER
CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8805.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means La Paloma Groundwater Conservation District.

Sec. 8805.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Brooks County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8805.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held on or before September 1, 2010:

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(1) the district is dissolved on September 1, 2010, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Brooks County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2011.

Sec. 8805.004. INITIAL DISTRICT TERRITORY. (a)

The district is initially composed of the territory described by Section 5 of the Act creating this chapter.

(b) The boundaries described in Section 5 of the Act creating this chapter form a closure. A mistake made in describing the district's boundaries in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Sec. 8805.005. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to achieve the legislative intent and purposes of Chapter 36, Water Code. A power granted by Chapter 36, Water Code, or this chapter shall be broadly interpreted to achieve that intent and those purposes.

Sec. 8805.006. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

LAW. (a) Except as otherwise provided by this chapter, Chapter 36, Water Code, applies to the district.

(b) Section 36.121, Water Code, does not apply to the district.

[Sections 8805.007-8805.020 reserved for expansion]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8805.021. TEMPORARY DIRECTORS. (a) The temporary board of directors consists of:

(1) Lavoyger Durham, representing commissioners precinct 1;

(2) Felix Saenz, Jr., representing commissioners precinct 2;

(3) Mauro Garcia, representing commissioners precinct 3;

(4) Larry Boykin, representing commissioners precinct 4;

(5) David Grall, representing the district at large, place 1; and

(6) Jose U. Perez, representing the district at large, place 2.

(b) If there is a vacancy on the temporary board of directors of the district, the remaining temporary directors shall appoint a person to fill the vacancy in a manner that meets the representational requirements of this section.

(c) Temporary directors serve until the earlier of:

(1) the time the temporary directors become initial directors under Section 8805.024; or

(2) the date this chapter expires under Section 8805.003.

Sec. 8805.022. ORGANIZATIONAL MEETING OF

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

TEMPORARY DIRECTORS. As soon as practicable after all the temporary directors have qualified under Section 36.055, Water Code, a majority of the temporary directors shall convene the organizational meeting of the district at a location within the district agreeable to a majority of the temporary directors. If an agreement on location cannot be reached, the organizational meeting shall be at the Brooks County Courthouse.

Sec. 8805.023. CONFIRMATION ELECTION. (a) The temporary directors shall hold an election to confirm the creation of the district and the imposition of a maintenance tax.

(b) Section 41.001(a), Election Code, does not apply to an election held as provided by this section.

(c) Except as provided by this section, an election under this section must be conducted as provided by Sections 36.017(b), (c), and (e)-(i), Water Code, and the Election Code.

(d) The ballot for the election must be printed to provide for voting for or against the proposition: "The creation of La Paloma Groundwater Conservation District and the levy of a maintenance tax at a rate not to exceed 3 cents for each \$100 of assessed valuation."

(e) If a majority of the votes cast at the election are not in favor of the creation of the district, the temporary directors may call a subsequent confirmation election.

(f) The district may not impose a maintenance tax unless the tax is confirmed under this section.

Sec. 8805.024. INITIAL DIRECTORS. (a) If creation of the district is confirmed at an election held under

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Section 8805.023, the temporary directors of the district become the initial directors of the district and serve on the board of directors until permanent directors are elected under Section 8805.025.

(b) The initial directors for commissioner precincts 2 and 4 and the initial place 1 at-large director serve terms expiring June 1 following the first regularly scheduled election of directors under Section 8805.025, and the initial directors for commissioners precincts 1 and 3 and the initial place 2 at-large director serve terms expiring June 1 following the second regularly scheduled election of directors.

Sec. 8805.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On the uniform election date prescribed by Section 41.001, Election Code, in May of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of three directors to replace the initial directors who, under Section 8805.024(b), serve a term expiring June 1 following that election.

Sec. 8805.026. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2010.

[Sections 8805.027-8805.030 reserved for expansion]

SUBCHAPTER A-2. EXPANSION OF DISTRICT TERRITORY

Sec. 8805.031. EXPANSION OF DISTRICT TERRITORY REQUIRED. (a) Not later than September 1, 2011, the boundaries of the district shall be expanded to include at least 50 percent of the surface

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

land area of at least one county adjacent to Brooks County.

(b) The addition of territory under this section may be accomplished by annexation in accordance with Chapter 36, Water Code, or by legislative enactment.

Sec. 8805.032. COMMISSION VERIFICATION; DISSOLUTION OF DISTRICT. (a) In this section, "commission" means the Texas Commission on Environmental Quality or its successor agency.

(b) After September 1, 2011, the commission shall determine whether the requirements of Section 8805.031(a) have been satisfied. If the commission determines that the requirements of that section have not been satisfied, the commission shall dissolve the district and distribute any remaining assets in accordance with the procedures provided by Sections 36.304-36.310, Water Code, regardless of whether the district satisfies the requirements for dissolution under Section 36.304(a) of that code.

Sec. 8805.033. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2013.

[Sections 8805.034-8805.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8805.051. DIRECTORS; TERMS. (a) The district is governed by a board of six directors.

(b) Except as otherwise provided by this chapter, directors serve staggered four-year terms, with three directors' terms expiring June 1 of each even-numbered year.

(c) A director may serve consecutive terms.

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Sec. 8805.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS. (a) The directors of the district shall be elected according to the commissioners precinct method as provided by this section.

(b) Two directors shall be elected by the voters of the entire district, and one director shall be elected from each county commissioners precinct by the voters of that precinct.

(c) Except as provided by Subsection (e), to be eligible to be a candidate for or to serve as a director at large, a person must be a registered voter in the district. To be a candidate for or to serve as director from a county commissioners precinct, a person must be a registered voter of that precinct.

(d) A person shall indicate on the application for a place on the ballot:

(1) the precinct that the person seeks to represent; or

(2) the number of the at-large position that the person seeks.

(e) When the boundaries of the county commissioners precincts are redrawn after each federal decennial census to reflect population changes, a director in office on the effective date of the change, or a director elected or appointed before the effective date of the change whose term of office begins on or after the effective date of the change, shall serve in the precinct to which elected or appointed even though the change in boundaries places the person's residence outside the precinct for which the person was elected or appointed.

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Sec. 8805.053. ELECTION DATE. The district shall hold an election to elect three directors on the uniform election date prescribed by Section 41.001, Election Code, in May of each even-numbered year.

Sec. 8805.054. DIVISION OF MUNICIPAL CORPORATION. The provision of Section 36.059(b), Water Code, concerning the division of a municipal corporation among precincts does not apply to the district.

Sec. 8805.055. FEES OF OFFICE: REIMBURSEMENT. (a) Notwithstanding Sections 36.060(a) and (d), Water Code, a director may not receive fees of office for performing the duties of director.

(b) A director is entitled to receive reimbursement of actual expenses reasonably and necessarily incurred while engaging in activities on behalf of the district in accordance with Sections 36.060(b) and (c), Water Code.

[Sections 8805.056-8805.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8805.101. GENERAL POWERS. Except as otherwise provided by this chapter, the district has all of the rights, powers, privileges, functions, and duties provided by the general law of this state applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8805.102. CONTRACTS. The district may enter into a contract with any person for any purpose authorized by law.

Sec. 8805.103. EXEMPTIONS. (a) In this section:

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(1) "Domestic use" means the use of groundwater by an individual or a household to support domestic activities, including the use of groundwater for drinking, washing, or culinary purposes; for irrigating a lawn or a family garden or orchard; for watering domestic animals; and for water recreation, including aquatic and wildlife enjoyment. Domestic use does not include the use of water to support an activity for which consideration is given or received or for which the product of the activity is sold. Domestic use does not include use by or for a public water system.

(2) "Livestock use" means the use of groundwater for the open-range watering of livestock, exotic livestock, game animals, or fur-bearing animals. For purposes of this definition, the terms "livestock" and "exotic livestock" have the meanings assigned by Sections 1.003 and 142.001, Agriculture Code, respectively, and the terms "game animal" and "fur-bearing animal" have the meanings assigned by Sections 63.001 and 71.001, Parks and Wildlife Code, respectively. Livestock use does not include use by or for a public water system.

(b) Section 36.117, Water Code, applies to the district.

(c) In addition to the exemptions provided by Section 36.117, Water Code, the district may not require a permit for or otherwise regulate a well used solely to provide water for domestic use or livestock use.

Sec. 8805.104. IMPACT OF TRANSFER. (a) If the district finds that a transfer of groundwater out of the district negatively impacts any of the considerations described by Section 36.122(f), Water Code, the district

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

may impose additional requirements or limitations on the permit that are designed to minimize those impacts.

(b) Sections 36.122(c), (i), and (j), Water Code, do not apply to a requirement or limitation imposed under this section.

(c) The district may impose a fee or surcharge as an export fee. The rate restrictions under Section 36.122(e), Water Code, do not apply to a fee or surcharge imposed under this subsection.

[Sections 8805.105-8805.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8805.151. REVENUE. To pay the maintenance and operating costs of the district and to pay any bonds or notes issued by the district, the district may:

(1) impose an ad valorem tax through the levy of the maintenance tax authorized by Section 8805.023 at a rate not to exceed 3 cents on each \$100 of assessed valuation of taxable property; or

(2) solicit and accept grants from any private or public source.

SECTION 3. Sections 5, 6, 7, 8, 9, and 11, Chapter 451, Acts of the 79th Legislature, Regular Session, 2005, are repealed.

Same as House version.

No equivalent provision.

SECTION __. The initial boundaries of La Paloma Groundwater Conservation District as created by this Act

Same as House version.

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

are coextensive with the boundaries of Brooks County, Texas, and include all real property in Brooks County save and except all of those portions of Brooks County that, as of the effective date of this Act, are located within the Kenedy County Groundwater Conservation District.

No equivalent provision.

SECTION __. The initial board of directors of La Paloma Groundwater Conservation District shall hold the first regularly scheduled election of directors of La Paloma Groundwater Conservation District under Section 8805.025, Special District Local Laws Code, as added by this Act, on the uniform election date in May in the first even-numbered year following the year in which the district's creation is confirmed under Section 8805.023, Special District Local Laws Code, as added by this Act.

Same as House version.

No equivalent provision.

SECTION __. (a) The legal notice of the intention to introduce the sections of this Act that create La Paloma Groundwater Conservation District, setting forth the general substance of those sections, has been published as provided by law, and the notice and a copy of those sections have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.
(b) The governor has submitted the notice and the

Same as House version.

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

sections of this Act described by Subsection (a) of this section to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to the creation of La Paloma Groundwater Conservation District by this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of the sections of this Act related to the creation of La Paloma Groundwater Conservation District are fulfilled and accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

Same as House version.

Same as House version.

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 21, 2007

Date

Honorable David Dewhurst
President of the Senate

Honorable Tom Craddick
Speaker of the House of Representatives

ADOPTED

30-0
MAY 27 2007

Lotay Spaul
Secretary of the Senate

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2072 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Zabala
Zabala

Austin
Austin

Brunner
Brunner

Harmon
Harmon
On the part of the Senate

Witt
Witt

Crutcher
Crutcher

Acosta
Acosta

Wan
Wan
On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

Filed MAY 26 2007 7:35pm

CONFERENCE COMMITTEE REPORT

H.B. No. 2072

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 8803, Special District Local Laws Code, is amended by adding Section 8803.004 to read as follows:

Sec. 8803.004. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before September 1, 2009:

(1) the district is dissolved on September 1, 2009, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Starr County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2012.

SECTION 2. Chapter 8803, Special District Local Laws Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8803.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)

1 Not later than the 45th day after the effective date of this
2 subchapter, five temporary directors shall be appointed as follows:

3 (1) the Starr County Commissioners Court shall appoint
4 four temporary directors, with one of the temporary directors
5 appointed from each of the four commissioners precincts in the
6 county to represent the precinct in which the temporary director
7 resides; and

8 (2) the county judge of Starr County shall appoint one
9 temporary director who resides in the district to represent the
10 district at large.

11 (b) If there is a vacancy on the temporary board of
12 directors of the district, the remaining temporary directors shall
13 appoint a person to fill the vacancy in a manner that meets the
14 representational requirements of this section.

15 (c) Temporary directors serve until the earlier of:

16 (1) the time the temporary directors become initial
17 directors as provided by Section 8803.024; or

18 (2) the date this chapter expires under Section
19 8803.004.

20 Sec. 8803.022. ORGANIZATIONAL MEETING OF TEMPORARY
21 DIRECTORS. As soon as practicable after all the temporary
22 directors have qualified under Section 36.055, Water Code, a
23 majority of the temporary directors shall convene the
24 organizational meeting of the district at a location within the
25 district agreeable to a majority of the directors. If an agreement
26 on location cannot be reached, the organizational meeting shall be
27 at the Starr County Courthouse.

1 Sec. 8803.023. CONFIRMATION ELECTION. (a) The temporary
2 directors shall hold an election to confirm the creation of the
3 district.

4 (b) Section 41.001(a), Election Code, does not apply to a
5 confirmation election held as provided by this section.

6 (c) Except as provided by this section, a confirmation
7 election must be conducted as provided by Sections 36.017(b)-(i),
8 Water Code, and the Election Code. The provision of Section
9 36.017(d), Water Code, relating to the election of permanent
10 directors does not apply to a confirmation election under this
11 section.

12 (d) Starr County may pay for any portion of the costs
13 incident to the district's confirmation election.

14 Sec. 8803.024. INITIAL DIRECTORS. (a) If creation of the
15 district is confirmed at an election held under Section 8803.023,
16 the temporary directors of the district become the initial
17 directors of the district and serve on the board of directors until
18 permanent directors are elected under Section 8803.025.

19 (b) The initial directors for county precincts 2 and 3 serve
20 a term expiring June 1 following the first regularly scheduled
21 election of directors under Section 8803.025, and the initial
22 directors for county precincts 1 and 4 serve a term expiring June 1
23 following the second regularly scheduled election of directors.
24 The at-large director shall serve a term expiring June 1 following
25 the second regularly scheduled election of directors.

26 Sec. 8803.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
27 the uniform election date prescribed by Section 41.001, Election

1 Code, in May of the first even-numbered year after the year in which
2 the district is authorized to be created at a confirmation
3 election, an election shall be held in the district for the election
4 of two directors to replace the initial directors who, under
5 Section 8803.024(b), serve a term expiring June 1 following that
6 election.

7 Sec. 8803.026. EXPIRATION OF SUBCHAPTER. This subchapter
8 expires September 1, 2012.

9 SECTION 3. Sections 5, 6, 7, 8, 9, and 11, Chapter 451, Acts
10 of the 79th Legislature, Regular Session, 2005, are repealed.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2007.

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

SECTION 1. Subchapter A, Chapter 8803, Special District Local Laws Code, is amended by adding Section 8803.004.

Same as House version.

SECTION 2. Chapter 8803, Special District Local Laws Code, is amended by adding Subchapter A-1.

Same as House version.

No equivalent provision.

SECTION __. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8805 to read as follows:

CHAPTER 8805. LA PALOMA GROUNDWATER
CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8805.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means La Paloma Groundwater
Conservation District.

Sec. 8805.002. NATURE OF DISTRICT. The district is
a groundwater conservation district in Brooks County
created under and essential to accomplish the purposes of
Section 59, Article XVI, Texas Constitution.

Sec. 8805.003. CONFIRMATION ELECTION
REQUIRED. If the creation of the district is not
confirmed at a confirmation election held on or before
September 1, 2010:

Same as House version.

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(1) the district is dissolved on September 1, 2010, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Brooks County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2011.

Sec. 8805.004. INITIAL DISTRICT TERRITORY. (a)

The district is initially composed of the territory described by Section 5 of the Act creating this chapter.

(b) The boundaries described in Section 5 of the Act creating this chapter form a closure. A mistake made in describing the district's boundaries in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Sec. 8805.005. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to achieve the legislative intent and purposes of Chapter 36, Water Code. A power granted by Chapter 36, Water Code, or this chapter shall be broadly interpreted to achieve that intent and those purposes.

Sec. 8805.006. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

LAW. (a) Except as otherwise provided by this chapter, Chapter 36, Water Code, applies to the district.

(b) Section 36.121, Water Code, does not apply to the district.

[Sections 8805.007-8805.020 reserved for expansion]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8805.021. TEMPORARY DIRECTORS. (a) The temporary board of directors consists of:

(1) Lavoyger Durham, representing commissioners precinct 1;

(2) Felix Saenz, Jr., representing commissioners precinct 2;

(3) Mauro Garcia, representing commissioners precinct 3;

(4) Larry Boykin, representing commissioners precinct 4;

(5) David Grall, representing the district at large, place 1; and

(6) Jose U. Perez, representing the district at large, place 2.

(b) If there is a vacancy on the temporary board of directors of the district, the remaining temporary directors shall appoint a person to fill the vacancy in a manner that meets the representational requirements of this section.

(c) Temporary directors serve until the earlier of:

(1) the time the temporary directors become initial directors under Section 8805.024; or

(2) the date this chapter expires under Section 8805.003.

Sec. 8805.022. ORGANIZATIONAL MEETING OF

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

TEMPORARY DIRECTORS. As soon as practicable after all the temporary directors have qualified under Section 36.055, Water Code, a majority of the temporary directors shall convene the organizational meeting of the district at a location within the district agreeable to a majority of the temporary directors. If an agreement on location cannot be reached, the organizational meeting shall be at the Brooks County Courthouse.

Sec. 8805.023. CONFIRMATION ELECTION. (a) The temporary directors shall hold an election to confirm the creation of the district and the imposition of a maintenance tax.

(b) Section 41.001(a), Election Code, does not apply to an election held as provided by this section.

(c) Except as provided by this section, an election under this section must be conducted as provided by Sections 36.017(b), (c), and (e)-(i), Water Code, and the Election Code.

(d) The ballot for the election must be printed to provide for voting for or against the proposition: "The creation of La Paloma Groundwater Conservation District and the levy of a maintenance tax at a rate not to exceed 3 cents for each \$100 of assessed valuation."

(e) If a majority of the votes cast at the election are not in favor of the creation of the district, the temporary directors may call a subsequent confirmation election.

(f) The district may not impose a maintenance tax unless the tax is confirmed under this section.

Sec. 8805.024. INITIAL DIRECTORS. (a) If creation of the district is confirmed at an election held under

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Section 8805.023, the temporary directors of the district become the initial directors of the district and serve on the board of directors until permanent directors are elected under Section 8805.025.

(b) The initial directors for commissioner precincts 2 and 4 and the initial place 1 at-large director serve terms expiring June 1 following the first regularly scheduled election of directors under Section 8805.025, and the initial directors for commissioners precincts 1 and 3 and the initial place 2 at-large director serve terms expiring June 1 following the second regularly scheduled election of directors.

Sec. 8805.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On the uniform election date prescribed by Section 41.001, Election Code, in May of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of three directors to replace the initial directors who, under Section 8805.024(b), serve a term expiring June 1 following that election.

Sec. 8805.026. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2010.

[Sections 8805.027-8805.030 reserved for expansion]

SUBCHAPTER A-2. EXPANSION OF DISTRICT TERRITORY

Sec. 8805.031. EXPANSION OF DISTRICT TERRITORY REQUIRED. (a) Not later than September 1, 2011, the boundaries of the district shall be expanded to include at least 50 percent of the surface

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

land area of at least one county adjacent to Brooks County.

(b) The addition of territory under this section may be accomplished by annexation in accordance with Chapter 36, Water Code, or by legislative enactment.

Sec. 8805.032. COMMISSION VERIFICATION; DISSOLUTION OF DISTRICT. (a) In this section, "commission" means the Texas Commission on Environmental Quality or its successor agency.

(b) After September 1, 2011, the commission shall determine whether the requirements of Section 8805.031(a) have been satisfied. If the commission determines that the requirements of that section have not been satisfied, the commission shall dissolve the district and distribute any remaining assets in accordance with the procedures provided by Sections 36.304-36.310, Water Code, regardless of whether the district satisfies the requirements for dissolution under Section 36.304(a) of that code.

Sec. 8805.033. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2013.

[Sections 8805.034-8805.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8805.051. DIRECTORS; TERMS. (a) The district is governed by a board of six directors.

(b) Except as otherwise provided by this chapter, directors serve staggered four-year terms, with three directors' terms expiring June 1 of each even-numbered year.

(c) A director may serve consecutive terms.

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Sec. 8805.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS. (a) The directors of the district shall be elected according to the commissioners precinct method as provided by this section.

(b) Two directors shall be elected by the voters of the entire district, and one director shall be elected from each county commissioners precinct by the voters of that precinct.

(c) Except as provided by Subsection (e), to be eligible to be a candidate for or to serve as a director at large, a person must be a registered voter in the district. To be a candidate for or to serve as director from a county commissioners precinct, a person must be a registered voter of that precinct.

(d) A person shall indicate on the application for a place on the ballot:

(1) the precinct that the person seeks to represent; or

(2) the number of the at-large position that the person seeks.

(e) When the boundaries of the county commissioners precincts are redrawn after each federal decennial census to reflect population changes, a director in office on the effective date of the change, or a director elected or appointed before the effective date of the change whose term of office begins on or after the effective date of the change, shall serve in the precinct to which elected or appointed even though the change in boundaries places the person's residence outside the precinct for which the person was elected or appointed.

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Sec. 8805.053. ELECTION DATE. The district shall hold an election to elect three directors on the uniform election date prescribed by Section 41.001, Election Code, in May of each even-numbered year.

Sec. 8805.054. DIVISION OF MUNICIPAL CORPORATION. The provision of Section 36.059(b), Water Code, concerning the division of a municipal corporation among precincts does not apply to the district.

Sec. 8805.055. FEES OF OFFICE: REIMBURSEMENT. (a) Notwithstanding Sections 36.060(a) and (d), Water Code, a director may not receive fees of office for performing the duties of director.

(b) A director is entitled to receive reimbursement of actual expenses reasonably and necessarily incurred while engaging in activities on behalf of the district in accordance with Sections 36.060(b) and (c), Water Code. [Sections 8805.056-8805.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8805.101. GENERAL POWERS. Except as otherwise provided by this chapter, the district has all of the rights, powers, privileges, functions, and duties provided by the general law of this state applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8805.102. CONTRACTS. The district may enter into a contract with any person for any purpose authorized by law.

Sec. 8805.103. EXEMPTIONS. (a) In this section:

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(1) "Domestic use" means the use of groundwater by an individual or a household to support domestic activities, including the use of groundwater for drinking, washing, or culinary purposes; for irrigating a lawn or a family garden or orchard; for watering domestic animals; and for water recreation, including aquatic and wildlife enjoyment. Domestic use does not include the use of water to support an activity for which consideration is given or received or for which the product of the activity is sold. Domestic use does not include use by or for a public water system.

(2) "Livestock use" means the use of groundwater for the open-range watering of livestock, exotic livestock, game animals, or fur-bearing animals. For purposes of this definition, the terms "livestock" and "exotic livestock" have the meanings assigned by Sections 1.003 and 142.001, Agriculture Code, respectively, and the terms "game animal" and "fur-bearing animal" have the meanings assigned by Sections 63.001 and 71.001, Parks and Wildlife Code, respectively. Livestock use does not include use by or for a public water system.

(b) Section 36.117, Water Code, applies to the district.

(c) In addition to the exemptions provided by Section 36.117, Water Code, the district may not require a permit for or otherwise regulate a well used solely to provide water for domestic use or livestock use.

Sec. 8805.104. IMPACT OF TRANSFER. (a) If the district finds that a transfer of groundwater out of the district negatively impacts any of the considerations described by Section 36.122(f), Water Code, the district

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

may impose additional requirements or limitations on the permit that are designed to minimize those impacts.

(b) Sections 36.122(c), (i), and (j), Water Code, do not apply to a requirement or limitation imposed under this section.

(c) The district may impose a fee or surcharge as an export fee. The rate restrictions under Section 36.122(e), Water Code, do not apply to a fee or surcharge imposed under this subsection.

[Sections 8805.105-8805.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8805.151. REVENUE. To pay the maintenance and operating costs of the district and to pay any bonds or notes issued by the district, the district may:

(1) impose an ad valorem tax through the levy of the maintenance tax authorized by Section 8805.023 at a rate not to exceed 3 cents on each \$100 of assessed valuation of taxable property; or

(2) solicit and accept grants from any private or public source.

SECTION 3. Sections 5, 6, 7, 8, 9, and 11, Chapter 451, Acts of the 79th Legislature, Regular Session, 2005, are repealed.

Same as House version.

No equivalent provision.

SECTION __. The initial boundaries of La Paloma Groundwater Conservation District as created by this Act

Same as House version.

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

are coextensive with the boundaries of Brooks County, Texas, and include all real property in Brooks County save and except all of those portions of Brooks County that, as of the effective date of this Act, are located within the Kenedy County Groundwater Conservation District.

No equivalent provision.

SECTION __. The initial board of directors of La Paloma Groundwater Conservation District shall hold the first regularly scheduled election of directors of La Paloma Groundwater Conservation District under Section 8805.025, Special District Local Laws Code, as added by this Act, on the uniform election date in May in the first even-numbered year following the year in which the district's creation is confirmed under Section 8805.023, Special District Local Laws Code, as added by this Act.

Same as House version.

No equivalent provision.

SECTION __. (a) The legal notice of the intention to introduce the sections of this Act that create La Paloma Groundwater Conservation District, setting forth the general substance of those sections, has been published as provided by law, and the notice and a copy of those sections have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.
(b) The governor has submitted the notice and the

Same as House version.

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

sections of this Act described by Subsection (a) of this section to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to the creation of La Paloma Groundwater Conservation District by this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of the sections of this Act related to the creation of La Paloma Groundwater Conservation District are fulfilled and accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

Same as House version.

Same as House version.

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 26, 2007

Date

Honorable David Dewhurst
President of the Senate

Honorable Tom Craddick
Speaker of the House of Representatives

07 MAY 26 PM 10:53
HOUSE OF REPRESENTATIVES

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2072 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Zaffuini
Zaffuini

Averitt
Averitt

Brunner
Brunner

Hindes
Hindes

White
White

On the part of the Senate

Guillen
Guillen

Creighton
Creighton

Escobar
Escobar

Hancock
Hancock

Pero
Pero

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 2072

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 8803, Special District Local Laws Code, is amended by adding Section 8803.004 to read as follows:

Sec. 8803.004. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before September 1, 2009:

(1) the district is dissolved on September 1, 2009, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Starr County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2012.

SECTION 2. Chapter 8803, Special District Local Laws Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8803.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)

1 Not later than the 45th day after the effective date of this
2 subchapter, five temporary directors shall be appointed as follows:

3 (1) the Starr County Commissioners Court shall appoint
4 four temporary directors, with one of the temporary directors
5 appointed from each of the four commissioners precincts in the
6 county to represent the precinct in which the temporary director
7 resides; and

8 (2) the county judge of Starr County shall appoint one
9 temporary director who resides in the district to represent the
10 district at large.

11 (b) If there is a vacancy on the temporary board of
12 directors of the district, the remaining temporary directors shall
13 appoint a person to fill the vacancy in a manner that meets the
14 representational requirements of this section.

15 (c) Temporary directors serve until the earlier of:

16 (1) the time the temporary directors become initial
17 directors as provided by Section 8803.024; or

18 (2) the date this chapter expires under Section
19 8803.004.

20 Sec. 8803.022. ORGANIZATIONAL MEETING OF TEMPORARY
21 DIRECTORS. As soon as practicable after all the temporary
22 directors have qualified under Section 36.055, Water Code, a
23 majority of the temporary directors shall convene the
24 organizational meeting of the district at a location within the
25 district agreeable to a majority of the directors. If an agreement
26 on location cannot be reached, the organizational meeting shall be
27 at the Starr County Courthouse.

1 Sec. 8803.023. CONFIRMATION ELECTION. (a) The temporary
2 directors shall hold an election to confirm the creation of the
3 district.

4 (b) Section 41.001(a), Election Code, does not apply to a
5 confirmation election held as provided by this section.

6 (c) Except as provided by this section, a confirmation
7 election must be conducted as provided by Sections 36.017(b)-(i),
8 Water Code, and the Election Code. The provision of Section
9 36.017(d), Water Code, relating to the election of permanent
10 directors does not apply to a confirmation election under this
11 section.

12 (d) Starr County may pay for any portion of the costs
13 incident to the district's confirmation election.

14 Sec. 8803.024. INITIAL DIRECTORS. (a) If creation of the
15 district is confirmed at an election held under Section 8803.023,
16 the temporary directors of the district become the initial
17 directors of the district and serve on the board of directors until
18 permanent directors are elected under Section 8803.025.

19 (b) The initial directors for county precincts 2 and 3 serve
20 a term expiring June 1 following the first regularly scheduled
21 election of directors under Section 8803.025, and the initial
22 directors for county precincts 1 and 4 serve a term expiring June 1
23 following the second regularly scheduled election of directors.
24 The at-large director shall serve a term expiring June 1 following
25 the second regularly scheduled election of directors.

26 Sec. 8803.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
27 the uniform election date prescribed by Section 41.001, Election

1 Code, in May of the first even-numbered year after the year in which
2 the district is authorized to be created at a confirmation
3 election, an election shall be held in the district for the election
4 of two directors to replace the initial directors who, under
5 Section 8803.024(b), serve a term expiring June 1 following that
6 election.

7 Sec. 8803.026. EXPIRATION OF SUBCHAPTER. This subchapter
8 expires September 1, 2012.

9 SECTION 3. Sections 5, 6, 7, 8, 9, and 11, Chapter 451, Acts
10 of the 79th Legislature, Regular Session, 2005, are repealed.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2007.

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

SECTION 1. Subchapter A, Chapter 8803, Special District Local Laws Code, is amended by adding Section 8803.004.

Same as House version.

SECTION 2. Chapter 8803, Special District Local Laws Code, is amended by adding Subchapter A-1.

Same as House version.

No equivalent provision.

SECTION __. Subtitle H, Title 6, Special District Local Laws Code, is amended by adding Chapter 8805 to read as follows:

CHAPTER 8805. LA PALOMA GROUNDWATER
CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8805.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means La Paloma Groundwater Conservation District.

Sec. 8805.002. NATURE OF DISTRICT. The district is a groundwater conservation district in Brooks County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8805.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held on or before September 1, 2010:

Same as House version.

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(1) the district is dissolved on September 1, 2010, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Brooks County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2011.

Sec. 8805.004. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 5 of the Act creating this chapter.

(b) The boundaries described in Section 5 of the Act creating this chapter form a closure. A mistake made in describing the district's boundaries in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Sec. 8805.005. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed to achieve the legislative intent and purposes of Chapter 36, Water Code. A power granted by Chapter 36, Water Code, or this chapter shall be broadly interpreted to achieve that intent and those purposes.

Sec. 8805.006. APPLICABILITY OF OTHER GROUNDWATER CONSERVATION DISTRICT

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

LAW. (a) Except as otherwise provided by this chapter, Chapter 36, Water Code, applies to the district.

(b) Section 36.121, Water Code, does not apply to the district.

[Sections 8805.007-8805.020 reserved for expansion]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8805.021. TEMPORARY DIRECTORS. (a) The temporary board of directors consists of:

(1) Lavoyger Durham, representing commissioners precinct 1;

(2) Felix Saenz, Jr., representing commissioners precinct 2;

(3) Mauro Garcia, representing commissioners precinct 3;

(4) Larry Boykin, representing commissioners precinct 4;

(5) David Grall, representing the district at large, place 1; and

(6) Jose U. Perez, representing the district at large, place 2.

(b) If there is a vacancy on the temporary board of directors of the district, the remaining temporary directors shall appoint a person to fill the vacancy in a manner that meets the representational requirements of this section.

(c) Temporary directors serve until the earlier of:

(1) the time the temporary directors become initial directors under Section 8805.024; or

(2) the date this chapter expires under Section 8805.003.

Sec. 8805.022. ORGANIZATIONAL MEETING OF

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

TEMPORARY DIRECTORS. As soon as practicable after all the temporary directors have qualified under Section 36.055, Water Code, a majority of the temporary directors shall convene the organizational meeting of the district at a location within the district agreeable to a majority of the temporary directors. If an agreement on location cannot be reached, the organizational meeting shall be at the Brooks County Courthouse.

Sec. 8805.023. CONFIRMATION ELECTION. (a) The temporary directors shall hold an election to confirm the creation of the district and the imposition of a maintenance tax.

(b) Section 41.001(a), Election Code, does not apply to an election held as provided by this section.

(c) Except as provided by this section, an election under this section must be conducted as provided by Sections 36.017(b), (c), and (e)-(i), Water Code, and the Election Code.

(d) The ballot for the election must be printed to provide for voting for or against the proposition: "The creation of La Paloma Groundwater Conservation District and the levy of a maintenance tax at a rate not to exceed 3 cents for each \$100 of assessed valuation."

(e) If a majority of the votes cast at the election are not in favor of the creation of the district, the temporary directors may call a subsequent confirmation election.

(f) The district may not impose a maintenance tax unless the tax is confirmed under this section.

Sec. 8805.024. INITIAL DIRECTORS. (a) If creation of the district is confirmed at an election held under

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Section 8805.023, the temporary directors of the district become the initial directors of the district and serve on the board of directors until permanent directors are elected under Section 8805.025.

(b) The initial directors for commissioner precincts 2 and 4 and the initial place 1 at-large director serve terms expiring June 1 following the first regularly scheduled election of directors under Section 8805.025, and the initial directors for commissioners precincts 1 and 3 and the initial place 2 at-large director serve terms expiring June 1 following the second regularly scheduled election of directors.

Sec. 8805.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On the uniform election date prescribed by Section 41.001, Election Code, in May of the first even-numbered year after the year in which the district is authorized to be created at a confirmation election, an election shall be held in the district for the election of three directors to replace the initial directors who, under Section 8805.024(b), serve a term expiring June 1 following that election.

Sec. 8805.026. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2010.

[Sections 8805.027-8805.030 reserved for expansion]

SUBCHAPTER A-2. EXPANSION OF DISTRICT TERRITORY

Sec. 8805.031. EXPANSION OF DISTRICT TERRITORY REQUIRED. (a) Not later than September 1, 2011, the boundaries of the district shall be expanded to include at least 50 percent of the surface

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

land area of at least one county adjacent to Brooks County.

(b) The addition of territory under this section may be accomplished by annexation in accordance with Chapter 36, Water Code, or by legislative enactment.

Sec. 8805.032. COMMISSION VERIFICATION; DISSOLUTION OF DISTRICT. (a) In this section, "commission" means the Texas Commission on Environmental Quality or its successor agency.

(b) After September 1, 2011, the commission shall determine whether the requirements of Section 8805.031(a) have been satisfied. If the commission determines that the requirements of that section have not been satisfied, the commission shall dissolve the district and distribute any remaining assets in accordance with the procedures provided by Sections 36.304-36.310, Water Code, regardless of whether the district satisfies the requirements for dissolution under Section 36.304(a) of that code.

Sec. 8805.033. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2013.

[Sections 8805.034-8805.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8805.051. DIRECTORS; TERMS. (a) The district is governed by a board of six directors.

(b) Except as otherwise provided by this chapter, directors serve staggered four-year terms, with three directors' terms expiring June 1 of each even-numbered year.

(c) A director may serve consecutive terms.

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Sec. 8805.052. METHOD OF ELECTING DIRECTORS: COMMISSIONERS PRECINCTS. (a)

The directors of the district shall be elected according to the commissioners precinct method as provided by this section.

(b) Two directors shall be elected by the voters of the entire district, and one director shall be elected from each county commissioners precinct by the voters of that precinct.

(c) Except as provided by Subsection (e), to be eligible to be a candidate for or to serve as a director at large, a person must be a registered voter in the district. To be a candidate for or to serve as director from a county commissioners precinct, a person must be a registered voter of that precinct.

(d) A person shall indicate on the application for a place on the ballot:

- (1) the precinct that the person seeks to represent; or
- (2) the number of the at-large position that the person seeks.

(e) When the boundaries of the county commissioners precincts are redrawn after each federal decennial census to reflect population changes, a director in office on the effective date of the change, or a director elected or appointed before the effective date of the change whose term of office begins on or after the effective date of the change, shall serve in the precinct to which elected or appointed even though the change in boundaries places the person's residence outside the precinct for which the person was elected or appointed.

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Sec. 8805.053. ELECTION DATE. The district shall hold an election to elect three directors on the uniform election date prescribed by Section 41.001, Election Code, in May of each even-numbered year.

Sec. 8805.054. DIVISION OF MUNICIPAL CORPORATION. The provision of Section 36.059(b), Water Code, concerning the division of a municipal corporation among precincts does not apply to the district.

Sec. 8805.055. FEES OF OFFICE; REIMBURSEMENT. (a) Notwithstanding Sections 36.060(a) and (d), Water Code, a director may not receive fees of office for performing the duties of director.

(b) A director is entitled to receive reimbursement of actual expenses reasonably and necessarily incurred while engaging in activities on behalf of the district in accordance with Sections 36.060(b) and (c), Water Code. [Sections 8805.056-8805.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8805.101. GENERAL POWERS. Except as otherwise provided by this chapter, the district has all of the rights, powers, privileges, functions, and duties provided by the general law of this state applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8805.102. CONTRACTS. The district may enter into a contract with any person for any purpose authorized by law.

Sec. 8805.103. EXEMPTIONS. (a) In this section:

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(1) "Domestic use" means the use of groundwater by an individual or a household to support domestic activities, including the use of groundwater for drinking, washing, or culinary purposes; for irrigating a lawn or a family garden or orchard; for watering domestic animals; and for water recreation, including aquatic and wildlife enjoyment. Domestic use does not include the use of water to support an activity for which consideration is given or received or for which the product of the activity is sold. Domestic use does not include use by or for a public water system.

(2) "Livestock use" means the use of groundwater for the open-range watering of livestock, exotic livestock, game animals, or fur-bearing animals. For purposes of this definition, the terms "livestock" and "exotic livestock" have the meanings assigned by Sections 1.003 and 142.001, Agriculture Code, respectively, and the terms "game animal" and "fur-bearing animal" have the meanings assigned by Sections 63.001 and 71.001, Parks and Wildlife Code, respectively. Livestock use does not include use by or for a public water system.

(b) Section 36.117, Water Code, applies to the district.

(c) In addition to the exemptions provided by Section 36.117, Water Code, the district may not require a permit for or otherwise regulate a well used solely to provide water for domestic use or livestock use.

Sec. 8805.104. IMPACT OF TRANSFER. (a) If the district finds that a transfer of groundwater out of the district negatively impacts any of the considerations described by Section 36.122(f), Water Code, the district

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

may impose additional requirements or limitations on the permit that are designed to minimize those impacts.

(b) Sections 36.122(c), (i), and (j), Water Code, do not apply to a requirement or limitation imposed under this section.

(c) The district may impose a fee or surcharge as an export fee. The rate restrictions under Section 36.122(e), Water Code, do not apply to a fee or surcharge imposed under this subsection.

[Sections 8805.105-8805.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8805.151. REVENUE. To pay the maintenance and operating costs of the district and to pay any bonds or notes issued by the district, the district may:

(1) impose an ad valorem tax through the levy of the maintenance tax authorized by Section 8805.023 at a rate not to exceed 3 cents on each \$100 of assessed valuation of taxable property; or

(2) solicit and accept grants from any private or public source.

SECTION 3. Sections 5, 6, 7, 8, 9, and 11, Chapter 451, Acts of the 79th Legislature, Regular Session, 2005, are repealed.

Same as House version.

No equivalent provision.

SECTION __. The initial boundaries of La Paloma Groundwater Conservation District as created by this Act

Same as House version.

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

are coextensive with the boundaries of Brooks County, Texas, and include all real property in Brooks County save and except all of those portions of Brooks County that, as of the effective date of this Act, are located within the Kenedy County Groundwater Conservation District.

No equivalent provision.

SECTION __. The initial board of directors of La Paloma Groundwater Conservation District shall hold the first regularly scheduled election of directors of La Paloma Groundwater Conservation District under Section 8805.025, Special District Local Laws Code, as added by this Act, on the uniform election date in May in the first even-numbered year following the year in which the district's creation is confirmed under Section 8805.023, Special District Local Laws Code, as added by this Act.

Same as House version.

No equivalent provision.

SECTION __. (a) The legal notice of the intention to introduce the sections of this Act that create La Paloma Groundwater Conservation District, setting forth the general substance of those sections, has been published as provided by law, and the notice and a copy of those sections have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.
(b) The governor has submitted the notice and the

Same as House version.

House Bill 2072
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

sections of this Act described by Subsection (a) of this section to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to the creation of La Paloma Groundwater Conservation District by this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of the sections of this Act related to the creation of La Paloma Groundwater Conservation District are fulfilled and accomplished.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

Same as House version.

Same as House version.

ENROLLMENT

H.B. No. 2072

AN ACT

relating to the appointment of temporary directors and the confirmation election of the Starr County Groundwater Conservation District.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 8803, Special District Local Laws Code, is amended by adding Section 8803.004 to read as follows:

Sec. 8803.004. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held before September 1, 2009:

(1) the district is dissolved on September 1, 2009, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Starr County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2012.

SECTION 2. Chapter 8803, Special District Local Laws Code, is amended by adding Subchapter A-1 to read as follows:

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8803.021. APPOINTMENT OF TEMPORARY DIRECTORS. (a)

1 Not later than the 45th day after the effective date of this
2 subchapter, five temporary directors shall be appointed as follows:

3 (1) the Starr County Commissioners Court shall appoint
4 four temporary directors, with one of the temporary directors
5 appointed from each of the four commissioners precincts in the
6 county to represent the precinct in which the temporary director
7 resides; and

8 (2) the county judge of Starr County shall appoint one
9 temporary director who resides in the district to represent the
10 district at large.

11 (b) If there is a vacancy on the temporary board of
12 directors of the district, the remaining temporary directors shall
13 appoint a person to fill the vacancy in a manner that meets the
14 representational requirements of this section.

15 (c) Temporary directors serve until the earlier of:

16 (1) the time the temporary directors become initial
17 directors as provided by Section 8803.024; or

18 (2) the date this chapter expires under Section
19 8803.004.

20 Sec. 8803.022. ORGANIZATIONAL MEETING OF TEMPORARY
21 DIRECTORS. As soon as practicable after all the temporary
22 directors have qualified under Section 36.055, Water Code, a
23 majority of the temporary directors shall convene the
24 organizational meeting of the district at a location within the
25 district agreeable to a majority of the directors. If an agreement
26 on location cannot be reached, the organizational meeting shall be
27 at the Starr County Courthouse.

1 Sec. 8803.023. CONFIRMATION ELECTION. (a) The temporary
2 directors shall hold an election to confirm the creation of the
3 district.

4 (b) Section 41.001(a), Election Code, does not apply to a
5 confirmation election held as provided by this section.

6 (c) Except as provided by this section, a confirmation
7 election must be conducted as provided by Sections 36.017(b)-(i),
8 Water Code, and the Election Code. The provision of Section
9 36.017(d), Water Code, relating to the election of permanent
10 directors does not apply to a confirmation election under this
11 section.

12 (d) Starr County may pay for any portion of the costs
13 incident to the district's confirmation election.

14 Sec. 8803.024. INITIAL DIRECTORS. (a) If creation of the
15 district is confirmed at an election held under Section 8803.023,
16 the temporary directors of the district become the initial
17 directors of the district and serve on the board of directors until
18 permanent directors are elected under Section 8803.025.

19 (b) The initial directors for county precincts 2 and 3 serve
20 a term expiring June 1 following the first regularly scheduled
21 election of directors under Section 8803.025, and the initial
22 directors for county precincts 1 and 4 serve a term expiring June 1
23 following the second regularly scheduled election of directors.
24 The at-large director shall serve a term expiring June 1 following
25 the second regularly scheduled election of directors.

26 Sec. 8803.025. INITIAL ELECTION OF PERMANENT DIRECTORS. On
27 the uniform election date prescribed by Section 41.001, Election

1 Code, in May of the first even-numbered year after the year in which
2 the district is authorized to be created at a confirmation
3 election, an election shall be held in the district for the election
4 of two directors to replace the initial directors who, under
5 Section 8803.024(b), serve a term expiring June 1 following that
6 election.

7 Sec. 8803.026. EXPIRATION OF SUBCHAPTER. This subchapter
8 expires September 1, 2012.

9 SECTION 3. Sections 5, 6, 7, 8, 9, and 11, Chapter 451, Acts
10 of the 79th Legislature, Regular Session, 2005, are repealed.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2007.

H.B. No. 2072

President of the Senate

Speaker of the House

I certify that H.B. No. 2072 was passed by the House on May 8, 2007, by the following vote: Yeas 146, Nays 0, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 2072 on May 25, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 2072 on May 28, 2007, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Chief Clerk of the House

H.B. No. 2072

I certify that H.B. No. 2072 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 2072 on May 27, 2007, by the following vote: Yeas 30, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor

President of the Senate

Speaker of the House

I certify that H.B. No. 2072⁽¹⁾ was passed by the House on

May 8⁽²⁾, 2007, by the following vote:

Yeas 146⁽³⁾, Nays 0, 2 present, not voting⁽⁴⁾;

that the House refused to concur in Senate amendments to H.B. No. 2072 on May 25⁽⁵⁾, 2007, and requested the

appointment of a conference committee to consider the differences

between the two houses; and that the House adopted the conference

committee report on H.B. No. 2072 on May 28⁽⁶⁾, 2007, by

the following vote: Yeas 144⁽⁷⁾, Nays 0, 2 present, not voting⁽⁸⁾.

Chief Clerk of the House

**** Preparation: CT43

I certify that H.B. No. 2072⁽¹⁾ was passed by the Senate, with

amendments, on May 22⁽²⁾, 2007, by the following

vote: Yeas 31⁽³⁾, Nays 0⁽⁴⁾;

at the request of the House, the Senate appointed a conference

committee to consider the differences between the two houses;

and that the Senate adopted the conference committee report on

H.B. No. 2072 on May 27⁽⁵⁾, 2007, by the following vote:

Yeas 30⁽⁶⁾, Nays 0⁽⁷⁾.

Secretary of the Senate

APPROVED:

Date

Governor

**** Preparation: CT44

H.B. No. 2072

By Guillen

A BILL TO BE ENTITLED
AN ACT

relating to the appointment of temporary directors and the confirmation election of the Starr County
Groundwater Conservation District.

FEB 27 2007 Filed with the Chief Clerk

MAR 05 2007 Read first time and referred to Committee on Natural Resources

MAR 28 2007 Reported favorably (amended)
amended

APR 16 2007 Sent to Committee on Calendar
(Local & Consent Calendars)

MAY 08 2007 Read second time (amended); passed to third reading (failed) by a (non-record vote)
(record vote of 146 yeas, 0 nays, 2 present, not voting)

MAY 08 2007 Constitutional rule requiring bills to be read on three several days suspended (failed to suspend)
by a vote of 146 yeas, 0 nays, 2 present, not voting

MAY 08 2007 Read third time (amended); finally passed (failed to pass) by a (non-record vote)
(record vote of 146 yeas, 0 nays, 2 present, not voting)

MAY 08 2007 Engrossed

MAY - 9 2007 Sent to Senate

OTHER HOUSE ACTION:
MAY 04 2007 Withdrawn from Calendar

Robert Haney
CHIEF CLERK OF THE HOUSE

MAY 09 2007 Received from the House

MAY 10 2007 Read and referred to Committee on NATURAL RESOURCES

MAY 16 2007 Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time

Ordered not printed

Laid before the Senate

MAY 22 2007 Senate and Constitutional Rules to permit consideration suspended by (unanimous consent)
(unanimous consent)

MAY 22 2007 Read second time, Amended, and passed to third reading by (unanimous consent)
(a viva voce vote)
(unanimous consent)

MAY 22 2007 Senate and Constitutional 3 Day Rules suspended by a vote of 31 yeas, 0 nays

MAY 22 2007 Read third time, Amended, and passed by a (viva voce vote)
(31 yeas, 0 nays)

AMEND CAPTION TO CONFORM
TO THE BODY OF THE BILL
May 23, 2007 Returned to the House

Aatsy Daw
SECRETARY OF THE SENATE

OTHER SENATE ACTION:

MAY 23 2007

Returned from the Senate (~~as submitted~~)
(with amendments)

MAY 25 2007

House concurred in Senate amendments by a (non-record vote)
(record vote of _____ yeas, _____ nays, _____ present, not voting)

MAY 25 2007

House refused to concur in Senate amendments and requested the appointment of a conference committee
by a (non-record vote) (~~record vote of~~ _____ yeas, _____ nays, _____ present, not voting)

House conferees appointed: Guillen, Chair; HANCOCK,
Peña, Escobar, Creighton

MAY 25 2007

Senate granted House request. Senate conferees appointed: Zaffirini, Chair;
Averitt, Brimer, Elife, Hinojosa

MAY 28 2007

Conference committee report adopted (~~rejected~~) by the House by a (~~non-record vote~~)
(record vote of 144 yeas, 0 nays, 2 present, not voting)

MAY 27 2007

Conference committee report adopted (~~rejected~~) by the Senate by a (~~viva voce vote~~)
(record vote of 30 yeas, 0 nays)

MAY 28 2007

Rules suspended to permit consideration.

07 MAY 24 AM 3:10

HOUSE OF REPRESENTATIVES

07 APR 15 PM 10:50

HOUSE OF REPRESENTATIVES